

MR. SCHERRER: Ed, I apologize, but I had an emergency call that I had to deal with, so I missed a little bit of what you had to say. I just want to be clear here. Will the minutes be sent to us as a transcript of what she types? Is that going to represent the minutes?

CHAIRMAN YELICK: That will represent the minutes.

MR. SCHERRER: Okay. And that will alleviate what I was going to bring up.

CHAIRMAN YELICK: Now, I do not know--she and I have had a discussion--and I do not know exactly when you will get a copy of those minutes.

MR. SCHERRER: This is going to be like a deposition, everybody.

CHAIRMAN YELICK: No, no; this isn't a deposition.

MR. EVERETT: But my point is we're going to be getting documents that will be about this thick. (Indicating.) I just want to know--if I'm clear.

CHAIRMAN YELICK: That is correct. You are clear.

MR. EVERETT: Okay.

CHAIRMAN YELICK: I'll call the roll.
Pat McElgunn?

page, there were issues we talked about on Phase II, but then realizing that the comments wouldn't be complete, that we couldn't discuss those during the next two months, during November and December; those would have to be pushed back. I thought that's what we talked about. I've got to go back and forth with the e-mail I sent-

CHAIRMAN YELICK: What line are you on?

MR. PAULSON: I'm on-- Where it says-- one--two-

MR. SMITH: Mr. Chairman, page, paragraph, and line, please.

MR. PAULSON: I've got three different versions of this now, Nels. I'm going off of one that was just handed out because they all have different pages and they all have different lines on them, so-

CHAIRMAN YELICK: This is Page-

MR. PAULSON: I'm trying to go from the copies that were e-mailed to the copy that was just handed out. On this copy that was just handed out, it's Page 3, which is not numbered. It is the fourth paragraph, I guess, which is the long one on the bottom half of the page. One, two, three, the fourth line down, approximately, discussing that the two topics for the next two or

three meetings would be in order, and I thought we were told that Phase II would not be ready until January, so we can't do it in the next two or three meetings.

That was my recollection. I don't see that accurately reflected in the minutes, as taken.

MS. ERNST-ULRICH: Okay. Could I respond to that?

MR. PAULSON: Sure. I missed it if it's there.

MS. ERNST-ULRICH: If you will notice, it is in there. It says "the Board shouldn't drop the emphasis"--this is about halfway down on that paragraph--"as the Forest will still be working on it. Phase II will be out in December or January"; and what I'm doing is reflecting the information as it came.

MR. PAULSON: Right.

MS. ERNST-ULRICH: When we first mentioned Phase II, no one said "It will be out in December or January." It took that long to get to that point in the comments that were made following it; so, in one area on my notes, it mentions Phase II, as commenting, and, then, further down in my notes it says: Phase II,

December or January.

MR. PAULSON: Right.

MS. ERNST-ULRICH: So it is in there.
It's just reflecting the order in which it came.

MR. PAULSON: What confused me, Gwen, is it says, "Followed by a recommendation," and I don't think we recommended that, ultimately. There wasn't a motion or anything like that, so-

MS. ERNST-ULRICH: No. It says "We thought," so we're saying what John thought; that was his thought, his opinion: that we would discuss the two topics and follow with a recommendation.

MR. PAULSON: Okay.

CHAIRMAN YELICK: Does that satisfy your point, Bob?

MR. PAULSON: It seems a little bit less clear, but I guess it's-

MS. ERNST-ULRICH: I'm only reporting them as they happened.

MR. OLSON: A further comment.

CHAIRMAN YELICK: Yes, Jeff.

MR. OLSON: After that point, we discussed, as a board, also, which isn't in the minutes, that we would not discuss it until it came out, I believe, and that's not in the minutes

at all. That's the way I remember it.

MS. ERNST-ULRICH: I don't have that in my notes.

MR. OLSON: I know, and that's why-

MR. PAULSON: I think--I just want to say, we can't discuss it until it's ready to be discussed, so-

MR. SMITH: Mr. Chairman, to make the distinction clear, obviously Bob's right: you can't talk about it until you get it, but we need to reflect the--the minutes need to reflect what went on. Whether or not we were as smart as we would like to have been at the time, the minutes are to reflect what went on, and if Jeff's recollection is correct--and I'm groping now--but if his recollection is correct: that we subsequently decided what he stated, then we need to figure out where it belongs, and if others don't remember it that way, so be it.

CHAIRMAN YELICK: Okay. Let me ask the group. Does the group remember it as Jeff has stated? Does anyone disagree?

MR. TEUPEL: Mr. Chairman, those were my comments and I do recall, in the discussion, that I was made aware that Phase II wasn't going to be ready until January or February, and my

understanding was it was going to be--the public input process was going to start in September from previous discussions we've had with the Forest Service, and so that changed the nature of it.

CHAIRMAN YELICK: Okay. I would-

MR. SCHERRER: That is exactly my recollection. I was sitting right next to you, John, and we were surprised at that. And the group said, "Well, we're not going to deal with it until then."

CHAIRMAN YELICK: Okay. I will say the minutes will stand approved, as corrected, on that point, with the addition "that the group will not consider Phase II until Phase II has been submitted."

MR. SMITH: Would the appropriate place for that, Mr. Chairman, be right after that short sentence that says "Phase II will be out in December or January"?

CHAIRMAN YELICK: Seven lines from the bottom.

MS. ERNST-ULRICH: And so how would you like that to read? "Phase II will be out in December or January"--

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: Go ahead.



MR. TEUPEL: I would move that we amend the minutes as follows, "The stated Phase II will be out in December or January." After "January," and before the "period," add the language, "and the group will review the Phase II amendment at that time," once it is delivered.

CHAIRMAN YELICK: Agreement?

(No response.)

CHAIRMAN YELICK: Any disagreement?

(No response.)

CHAIRMAN YELICK: I think we're on Page 5. No, Page 4, I guess. Page 4.

MR. SCHERRER: Page 4.

MR. OLSON: Mr. Chairman.

CHAIRMAN YELICK: Jeff.

MR. OLSON: This is just a grammatical error. On the third paragraph, where we get the "\$631,000," that should be dollars, not "acres."

MR. SMITH: How far down?

CHAIRMAN YELICK: I'm sorry, Jeff.

MR. OLSON: Just where you get that figure there, where it says "631,000." That should be dollars.

MS. ERNST-ULRICH: Should be dollars.

MR. SMITH: Line 11, I think.

MR. OLSON: Line 11.

CHAIRMAN YELICK: Where it says "He said 631,000 acres."

MR. OLSON: Yeah. I said "dollars," not "acres."

CHAIRMAN YELICK: Is that correct?

MR. SCHERRER: Yeah, that's correct.

MR. SMITH: How did you lose-- How did that happen?

MR. OLSON: That's not figures there.

MR. SMITH: I think I know something about grazing and fees, but it doesn't make any sense to me. We must be missing something.

MR. OLSON: I'll show you where I got the figures.

CHAIRMAN YELICK: I'm sorry. Jeff.

MR. COOPER: Is that based on the A.U.M. per Forest Service charge versus what the A.U.M. for private grazing is? Is that the-

MR. OLSON: No. I got that figure on a publication from the Black Hills Forest Service on what they spend on range management and fixing fence, versus the income they receive from the A.U.M.s on Forest Service land. There's three figures I used on the publication, I think. It might be somewhat outdated, but I think it was something handed out at one of our meetings, I

believe.

MR. TEUPEL: You don't have a copy there?

MR. OLSON: I don't know. I'll look.
I'll bet I do.

MR. SCHERRER: Mr. Chairman, the bottom line is: that makes no difference. If it's accurate, or not, makes no difference in the minutes. Let's just get the deal done on that.

CHAIRMAN YELICK: Is it acres?--or dollars? Jeff says it's dollars.

MR. OLSON: Dollars.

CHAIRMAN YELICK: Is there any disagreement with that change?

(No response.)

CHAIRMAN YELICK: Let's move on.

MR. PAULSON: Mr. Chairman, I apologize.
I'm going back and forth from what--what I e-mailed and these are in a different order. They're different pages, so I do need to go back to Page 3, Line 11.

CHAIRMAN YELICK: Now, wait. Are we through with Page 5 before we go back to Page 4?

MR. PAULSON: I tried to submit this in a timely manner, but it couldn't be done. I'm trying to juggle these things. The same paragraph I was talking about before, Line 11, where it

says, "Paulson said." That was what Brad Exton said, and I sent that to you, oh, two weeks ago.

MS. ERNST-ULRICH: I was given directions not to change the minutes until we came to the meeting.

MR. PAULSON: No, I understand; but I'm just trying to-- It's a little bit difficult to juggle these different formats.

MS. ERNST-ULRICH: Also, in response to that, I have, in my notes, that you said that. And I did talk with Brad, and he said he did not say that, so-

MR. PAULSON: Well, I wouldn't- Those aren't my issues, or concerns, and I've got the notes I took, so I am trying to reconcile why Brad was saying five points and the chief was saying four, so I've got my notes, if you want to look at my hand notes here, but I was trying to figure out why he was talking about five points versus four, and it's right there, "Brad Exton talked about travel management, fuels," and on down. Those are not my concerns.

MS. ERNST-ULRICH: What line are you speaking of?

MR. PAULSON: Line 11.

MS. ERNST-ULRICH: On Page 3?

MR. PAULSON: Page 3 of this new set, where it says, "Paulson said," instead of "Exton." Because he's the one who said that.

CHAIRMAN YELICK: The start of the last sentence on that line, where it says, "Paulson said that he thought the order of emphasis should be," and he says that he did not say that.

MR. BLAIR: Mr. Chairman, if you read three or four sentences above that, "Exton," fits into that scheme of things.

CHAIRMAN YELICK: Just tell me what-

MS. ERNST-ULRICH: Just tell me what you want.

MR. PAULSON: Just to change "Paulson" to "Exton."

CHAIRMAN YELICK: Any objection?

MS. ERNEST-ULRICH: Brad will.

MR. SMITH: The location, again, please; paragraph.

CHAIRMAN YELICK: Okay. You're on Line 11.

MR. SMITH: Of what paragraph?

CHAIR YELICK: On Page 3. You're on Line 11, at the sentence that ends--that starts on Line 11, where it says, "Paulson said," and the "Paulson" is changed to "Exton." The last

paragraph on the page, which is the fourth one?

MR. TEUPEL: I don't think it was Exton that said that. That's-

CHAIRMAN YELICK: Pardon?

MR. TEUPEL: You're on the wrong page.

MR. SMITH: Page 5?

CHAIRMAN YELICK: This may be excruciating to some of you, but these are the kinds of things that I've been dealing with between meetings; so, the best way to flesh these out is to talk about them in the meeting, so this is what we'll do at the beginning of each meeting, as far as the minutes are concerned, and it's going to be just a part of the business of the meeting. It can't be helped.

The group has rather strong feelings about what is said, and what they've said, and they want it reflected accurately. You can't change what you have said, but you can file a substantive statement, as we do have to have the minutes accurate.

Okay. Can we go on then?

MR. PAULSON: Is that approved?

MR. TEUPEL: I don't think that- I don't know that you can make that change, saying that "Exton said that." I don't believe that he said

that.

MS. ERNST-ULRICH: He said that he didn't say it.

MR. PAULSON: Let me put it this way: I didn't say it.

MR. TEUPEL: I would make a motion that we delete that, instead of putting in what we think someone said.

MR. EVERETT: Mr. Chairman.

CHAIRMAN YELICK: Yes.

MR. EVERETT: If there's disagreement, and we're dealing with minutes that are for posterity, we need to have agreement on it. If there's a disagreement, strike the sentence. It's not going to change things. That would be my recommendation, and I would agree with John.

CHAIRMAN YELICK: It's been suggested that we strike that sentence, which would be--I want to make sure that I'm accurate--on Page 3, it's the sentence in the last paragraph, Line 11, "Paulson said he thought the order of emphasis," and to strike that entire sentence. Any disagreement?

MR. BLAIR: Just an observation. If you read the four-word sentence afterwards, Frank says that he agrees with Teupel. Now, in the scheme of

things, if that's correct, then John, you must have said it.

MR. TEUPEL: No, I didn't say that.

MR. BLAIR: Then you better strike-

MS. ERNST-ULRICH: No, that refers to-

CHAIRMAN YELICK: Point of order. Now, we have just agreed we're going to strike the sentence. Is there anyone who disagrees with that?

MR. SMITH: Mr. Chairman, I have a procedural question. I believe it would be a bad decision to say that, if there is disagreement about a statement in the minutes, it will be removed. It's entirely possible that we will have a disagreement, but, ultimately, we have to have the minutes reflect what was said, and if somebody disagrees with that-- I can anticipate there will be disagreement over something--but, nevertheless, it happened, and the minutes should reflect that.

CHAIRMAN YELICK: I have looked the matter up in Roberts' Rules of Order, and what I am doing is pertaining to Roberts' Rules of Order. I am taking the substantive changes that are suggested. If there's not disagreement with making the change, then we'll make the change. All I am doing is asking for the agreement of the

group. If there is disagreement, then we'll have to hammer out the disagreement.

MR. SMITH: Yes, Mr. Chairman, I agree; and that was my point, because it was stated, and because we are keeping such a detailed record, I could not let the statement stand, unchallenged; and the statement was, "If there is disagreement, it will be removed," and that just isn't the way to do it.

CHAIRMAN YELICK: Jim.

MR. SCHERRER: That's the beauty of--and thank you, sir, for bringing in a court reporter.

This is the last painful time we're going to have to deal with this.

CHAIRMAN YELICK: Any more changes on that page?

(No response.)

CHAIRMAN YELICK: Page 4?

(No response.)

CHAIRMAN YELICK: Page 5?

MR. SCHERRER: Mr. Chairman?

CHAIRMAN YELICK: Jim.

MR. SCHERRER: Line 1, 2, 3, 4 from the top; the last word in that line, starts with "Paulson"--he was apparently very active that day--"Mr. Paulson made a friendly amendment that

I said, yes.

CHAIRMAN YELICK: Does that satisfy your point, Jim?

MR. SCHERRER: As long as the sentence makes sense, yeah. That's all I was asking.

CHAIRMAN YELICK: Okay. Without objection, then we will change the word "meeting" to "board."

Are there any other changes on that page? Let's see, what page are we on? Five. Any other changes?

(No response.)

CHAIRMAN YELICK: The Chair seeing none,
we'll go to the next page, which I believe is Page
6. Any changes to Page 6?

(No response.)

CHAIRMAN YELICK: Page 7?

(No response.)

CHAIRMAN YELICK: The Chair notes that, with the amendments, the minutes will be approved as corrected. Any objection? Bob?

MR. PAULSON: Mr. Chairman, I've e-mailed to you, and everybody, and I would appreciate it if the minutes would reflect my query as to the status of our as-yet-unselected fifteenth member, a Wyoming elected official, is.



Again, if you want to change your statement, or amend your statement, you may do so, after the minutes are approved, and the Chair recognizes you. That would be a statement in a subsequent meeting. Jim.

Jim?

MR. SCHERRER: Gwen, help me with my memory. Now, when these changes are implemented, do you e-mail and say, "These are the final minutes, as approved," so I can put them in my file? Is that what we have done in the past?

MS. ERNST-ULRICH: If you would like me to do that, I can. What I have done is put them in the official record and post them on the Web as corrected.

MR. SCHERRER: Okay. I would appreciate it if you would, so that I can keep them for my file.

MS. ERNST-ULRICH: Okay.

MR. SCHERRER: Thank you.

CHAIRMAN YELICK: Any other discussions about the minutes?

(No response.)

CHAIRMAN YELICK: Forest Health Plan.
Supervisor Twiss.

SUPERVISOR TWISS: Sounds like you guys

have been having some fun the last few times.

Thank you for coming; and, again, thank you for volunteering. I appreciate it, probably more than you know.

I know the subject today was going to be NEPA, and why you would want to hear a presentation on NEPA is beyond me, but I understand it's the foundation of everything we do. It's a tough subject to listen to, and I asked Ed to change the agenda because I've got an urgent issue that I need your advice on, and the urgency, I think, has been coming, but it's probably increased more lately, and that is this forest health issue.

We are very rapidly developing a plan to deal with the insects and the thick forest that we have, and probably faster than even what I am comfortable with, but, there is an urgency to do it.

This is probably evolving into becoming the highest priority in the Forest Service. I know the Chief had identified four major priorities, but I really think this one is probably the highest; and it certainly evolved into the highest priority, from my standpoint, on this forest to deal with.

We're getting into some very intense competition for funding if we want to do this, if we want to have an aggressive effort in this area, and we're currently negotiating a lawsuit, filed by Governor Janklow. If you remember, the last day in office he basically said that our forests are unhealthy, and, therefore, we are risking public safety, and Undersecretary Ray and I met, yesterday, with the Governor and some of his staff, to talk about our evolving strategy.

First of all, we talked about what it is we have been doing, and what it is we are doing, and then we talked a little bit about what we want to do; but, I also told the Governor, yesterday, "You know, this is a little out of sync with how I like to manage. I prefer to start with our own leadership and actually develop a strategy here that has their endorsement, and then move it up to the next level, which would be my boss, the regional forester, and then to the advisory board, and, then, beyond there; but, because of some of the urgency, both with trying to resolve the lawsuit and trying to get ready for the funding that's coming this fiscal year and be able to compete, I really need some of your input as soon as possible.



And, then, probably the other thing that I'm involved in, and maybe some of you, too--in fact, I know that some of you are--and that is this Healthy Forest legislation, which, hopefully, will be one of the tools that we'll use to implement what it is we want to do here, is evolving very quickly, and it appears that there has been essentially an agreement reached in the Senate, and an agreement between the Senate and the Administration; so it will go to the House now, and it's anybody's guess what will happen next, as they go into the House and the conference; but I think there is still opportunities for some of us maybe to influence that legislation as it goes into the final stages; and there's an urgency, I think on the part of the Congress, to get something passed, and I would like it to be something usable; not just "passed."

And, then, last, I think, just so you know where I'm at, is that this problem is so large, and I think, combined with the drought that we've had, that it's gotten concerned about public safety, and just our forest health, in general; and, so, it's my highest priority from where I sit. I want you to know that.



With that, and with your indulgence, I think our forest silviculturist, Blaine Cook, and our forest fire management officer, Dean Berger, are going to make a little presentation here on what our initial draft strategy is here, and, hopefully, what I'm hoping to get from you is: you understand the issue, and, if you don't, you know, you can tell us what part maybe you don't understand, as we go through this.

Is this approach that we're suggesting the best one?--or do you have other ideas, or other approaches, that might work? Does it solve the issue that we think we have out there? Are the dollars that we are going to be identifying here achievable? I mean, you're going to see that this is going to cost a lot of money, on an annual basis. Are we-- Are we dealing with what you consider to be a reasonable amount of time?--which is dollar dependent, also. Will the public support this kind of approach and the activities that we would plan here to use here to deal with this issue? So that is kind of what I am hoping for. It's not a simple issue, and it's very controversial, at least among many factions, and it's something where I think we need the best heads, the best minds, and we need to eventually



numbers; so, the screen will reference this document that Frank is passing out.

Do we have enough, Frank?

MR. CARROLL: We have enough for the Board, yes.

MR. COOK: If you folks want to move around a little bit, it's going to be a tight look-see.

Okay. That is today. (Indicating.) We have an overview of the forest current status; the current status; the fire, insects, and people; insect and fuels treatment strategies.

Everybody has seen this map. (Indicating.) 1.2 million acres of national forest land. Of that, under a 1997 forest plan, we have 865,000 suitable timber acres.

Inside that, the concern that John talked about is all of the white splotches, the private land.

We know, from the pictures of 126 years ago, that we've got more trees, and the pictures show that. Thirty to seventy trees, per acre, is about a spacing of every thirty feet, on an average. We all know that trees grow in clumps. The fire regime, and Dean may talk about this a little bit later--the Black Hills is a pine

forest, and with pine forests we've got fires, and we've got bugs. They will always be here, no matter how many trees we've got.

A comparison-type photo. Five hundred trees per acre. That's about every ten feet.

This is a schematic drawing, showing, through time, the tree sizes. In 1875, we had a lot more nonstocked and meadow. That's what the early books talked about: nonstocked and meadow; and less sawtimber. It doesn't talk about the ages of the trees in the sawtimber category then.

This picture is more like about three to five thousand trees per acre; about every two feet. This forest is a very prolific regeneration forest, due to the climatic conditions we have got. We get rains in the spring and the early summer, and we get a lot of baby trees.

Red Point from last year; Jasper, from three years ago. We have the damages of that, and there's the cost to put out the fires.

Prior history. Prior to the year 2000, fires were a lot smaller in size. In the last three years, we have seen an escalation of that.

A picture of the Beaver Park area, and our friend, the mountain pine beetle.

A recent map, showing the bugs' march

policies on environmental review. This is the categorical exclusions that Congress is getting out. What can we do about it? Harvesting trees; prescribed fire, and thinning. A before and after. (Indicating.) A picture of Frank Carroll, our public affairs officer, about 5,000 skins per acre.

Open stands of healthy pine.

(Indicating.) When stands get to this type of structure, they have much more resilience in combating the mountain pine beetle and fire. That's why we say they are more healthy.

This is an area that's near to our district ranger, Bob Thompson, on the Rapid City District area. We've got a lot of people in the woods. This is no different than what we see on the Front Range of Colorado or New Mexico. We've got our own Front Range from Rapid City to Spearfish, almost.

Prescribed fire, where fire makes sense.

We try to do a lot of prescribed fire in the spring and the fall to lower the fuel reductions.

The Adams prescribed fire. That is this year's prescribed fire up on Bear Lodge District.

The Snugget prescribed fire, from several years ago, on the Mystic District.



Thinning in one picture and fuel reduction and thinning by prescribed fire in the lower left.

Timber harvests. They're a part of the equation.

MR. PAULSON: Blaine, could you go back to that previous slide. Is it okay to do?

MR. COOK: Sure.

MR. PAULSON: Fuel reduction by thinning and prescribed fire. Describe the differences in those two pictures. Why is there-

MR. CARROLL: May I make a point there?

MR. COOK: Sure.

MR. CARROLL: The lower picture is before, and the upper picture is after, and so it's fuel reduction by prescribed fire and thinning. That area on the left was thinned and burned, and that's the result in the upper right. His presentation is: if we do this, then we get that.

MR. PAULSON: Okay. That makes more sense.

MR. COOK: This is the Mud Springs Burn on the Hell Canyon District in 1985. It looks pretty good right now. There's more houses in the forest.

MR. CARROLL: Mr. Chairman, could we go

back to that slide there? I don't want to miss a point here. This is actually in part of the heart of the Jasper Fire, and this was a place that was heavily logged and then burned in the Jasper Fire, and, as near as I could tell, there wasn't a single tree in that general area killed by the big fires that went through, which is another example of the fact that less fuel means less severe fires, and so that area has been logged and burned, several times in the last fifty years.

MR. COOK: We have all seen the mosaic of fires of low intensity, medium, and high. Mud Springs. This was a low-intensity area, so it's more resilient to the next fire that comes along, like Frank talked about.

Houses in the woods. Three options. Current level. The ten-year plan, with increased level of funding; and a five-year plan that's accelerating; very aggressive. These options are inside your pass-out in these tables. This is just a summarization of those tables. Current plan: treat 27,000 acres annually of harvest, commercial harvest, that is, tree thinning and fuel treatments, an annual cost of 5.4 million bucks.

MR. CARROLL: Mr. Chairman, those tables



start on Page 5, for Option 1.

MR. TEUPEL: Page 5?--or Page 4?

MR. CARROLL: Well, the discussion starts on Page 4, Option 1. The discussion begins, and then the table, itself, is on Page 5 for Option 1.

MR. OLSON: I noticed in these charts that Dave Thom, my boss, put together, the harvest acres, harvest costs are not included in that; so, the T.M. dollars we're talking about is 7 million bucks. The T.M. budget, I think, is somewhere in that range.

MR. SMITH: Excuse me, Mr. Chairman.
Harvest costs are not included?

MR. COOK: Timber-harvest dollars.

MR. SMITH: Pardon me?

MR. COOK: Timber-harvest dollars.

MR. SMITH: Revenues?

MR. COOK: Not revenues. Costs. Every year, "X" dollars comes to the Black Hills for timber management. Inside that is the cost of doing NEPA, sale prep, and sale administration. The biggest portion of that T.M. dollars is NEPA. Generally speaking, it's about 80 percent of our T.M. costs.

MR. PAULSON: "T.M." is timber management?



MR. COOK: Timber management.

MR. SMITH: If I may follow up, are there offsetting revenues shown somewhere?

MR. COOK: No.

MR. SMITH: Thank you.

MR. COOK: Option 2, a ten-year increased level program. The acres escalate some, the same categories, and the annual costs escalate some.

MR. PAULSON: I'm sorry. The treatment that you're talking about is fire, thinning, mechanical?--or what?

MR. COOK: Fuel reduction, thinning, and harvest. That's the treatments.

MR. PAULSON: Would the fuel reduction include prescribed burning?

MR. COOK: Yes; prescribed burning. What other type of fuel reductions, besides thinning?

MR. DEAN BERGER: Filing.

MR. COOK: Filing. The total acres is a combination of all treatments; whether harvest, precommercial thinning, fuel treatment thinning, thinning and piling; prescribed fire, chipping; you know, whatever might be done on that acre of ground in terms of manipulating the fuel profile and vegetation.

CHAIRMAN YELICK: Mr. Berger, what is



your title, please?

MR. BERGER: I'm the Black Hills National Forest Fire Management Officer. Sorry.

CHAIRMAN YELICK: Thank you.

MR. COOK: Okay. Option 3. A five-year, very aggressive accelerated program, starting near what we are now, up to 86,000 acres in five years. Same categories. And, also, the cost is reflected here, \$7 million to \$33 million.

MR. SMITH: Mr. Chairman, again, if I may, is that outlay--is that the expenses?

MR. COOK: It is expenses--

MR. SMITH: But without regard to the offsetting revenues?--or is that net cost?

MR. COOK: That is correct. It is not offsetting revenues. This is just sheer cost. The only category that has revenues is harvesting.

MR. SMITH: But they are not reflected, so we don't know how much the net out-of-pocket is going to be?

MR. COOK: Those revenues are not in these charts.

MR. BLAIR: Mr. Chairman, do those revenues generated from harvest, even though we don't see them reflected here, do they go back into the Forest Service to reduce that overall

cost?

MR. COOK: Timber revenues go to the Treasury.

MR. BLAIR: as a general-fund type of dollar. So the K.V. dollars are included, too?

MR. COOK: No. K.V. dollars are not there.

MR. PAULSON: So some come back as K.V. dollars to the forest on each sale?

MR. COOK: Correct.

MR. SMITH: This is one of those things that Jeff talks about trying to get the whole picture, and I'm going to blurt out my understanding of the process; and, then, if I'm off, then somebody can correct me. But the revenues generated by the timber sales go into the Treasury, and part of it goes to Knudsen-Vandenberg, which is forest rehab, and, essentially, the renewable-sustainable-production type program, and some of it goes to counties for schools and roads, and the remainder actually goes, unobligated, to the general Treasury, but that's the source of a very good portion of the appropriated money from which all, or part of, that \$7 million to \$33 million comes; so, it's more of an accounting exercise, but, anyhow, I

think it's important that we--and I don't know how we're going to get at this complex exercise--but I think it's important that we have the whole picture, not just look like it's all outlay.

SUPERVISOR TWISS: Mr. Chairman, let me just say that probably, in fiscal year '03, we will generate about \$12 million to the Treasury, primarily from the timber-sale program. Some of it comes from recreation, but most of it--98 percent of it--comes from the timber program and will probably be in the neighborhood of \$12 million this year.

CHAIRMAN YELICK: Jeff.

MR. JEFF OLRICH: What percentage would you say, from the K.V. dollars, of that 12 million, goes into T.M., of those figures?

SUPERVISOR TWISS: What percentage of the, say, \$7 million or \$33 million?

MR. OLRICH: Yeah. Of the 12 million the Black Hills will make in revenue from the various programs.

SUPERVISOR TWISS: The timber budget is about \$6 million.

MR. COOK: Mr. Chairman. Jeff, I think you're asking how much of the total \$12 million comes back as K.V. Is that correct?

SUPERVISOR TWISS: No.

CHAIRMAN YELICK: Just a point of
I want to make sure that I understand.

SUPERVISOR TWISS: Yes.

MR. SMITH: As far as how it's allocated, I don't-- I think there's some that is committed, by formula, and a lot of it has to do with who can make the best case. I think that's internal to the Forest Service.

CHAIRMAN YELICK: Okay. Thank you. I



understand.

MR. TOM BLAIR: Mr. Chairman.

CHAIRMAN YELICK: Tom.

MR. BLAIR: An observation. As you look at this accelerated program, you accelerate the acres by almost three times, but you accelerate the cost by better than four times. Is there a reason for that? You think when you get in a lot of business applications, when you get bigger, some of those costs don't increase. In fact, mobilization costs, and things like that, actually stay about the same. Why would we quadruple our costs when we are only treating not quite three times the accelerant?

MR. COOK: On your chart, under Option 3, you will see that this is an average; what you see on the screen is an average. The costs do go up; the averages are flat. That's why I said to make sure you look at this, (indicating) because this chart would be really small numbers to put on the screen.

MR. COOPER: Mr. Chairman. I should know this, and I'm kind of drawing a blank, but, on each of these charts, there's a column that says, "Forest Health Program, S.P.F.F.," and the acres remain virtually the same. What does that entail?

MR. COOK: The Forest Health Program is a separate job code, internally. It comes from the Forest Health from the Washington office. Specifically, they do thinning. We have done some cutting down and removing of bark in the Beaver Park area. Several of the projects, in the Beaver Park area, were funded by Forest Health dollars, so that's a separate funding.

MR. COOPER: Separate from timber management?

MR. COOK: Correct.

MR. COOPER: Separate funds?

MR. COOK: Separate funds.

MR. COOPER: But are the treatments similar?

MR. COOK: They are similar in the form of thinning and fuel reduction. It may, or may not, be a commercial venture. Yes.

MR. TEUPEL: My question is on Table 4 there. As you look on those different columns, if you compare Table 4 to Table 3, on timber harvest, you're annual timber harvest stays pretty much constant.

MR. COOK: Yes.

MR. TEUPEL: It appears that one of the big changes, between Table 3 and Table 4, and,

therefore, the increased cost, is in fuel treatment, and then it has W.F.H.F. Is that some kind of a precommercial thinning?--or what is it? It goes from 10,000 acres to 48,000.

MR. COOK: Yes. "W.F.H.F." is hazardous fuels. That's the prescribed fire and piling.

MR. TEUPEL: Prescribed fire and piling. So, then, that treatment would involve precommercial thinning and then going in with a prescribed burning?

MR. BERGER: It's just the funding source for hazardous fuel treatment program, and it could be any type of treatment, but it's an appropriated--each year, we have an annual appropriation in hazardous fuel.

So this Table 4, as referred to, increases the amount of acres. We would request, and hopefully get, additional funding, in that particular appropriation, to meet that strategy, but it involves thinning and just about every manner of fuel treatment that we--you know, for projects that we could come up with that would not include the harvest part of--

MR. TEUPEL: It would not include a timber harvest, so it would be some kind of a fuels treatment, other than that.



actually not defined anywhere that we've gotten, at least yet. I guess I'll be making a request for some of that, too. Do you have that, on exactly what size trees are harvested and exactly what type of thinning, because that's a broad category. It's not defined specifically and the two kind of blur together.

MR. COOK: Thinning is less than nine inches, d.b.h.; so, from one inch to nine inches, that's thinning. Fuels reduction can be prescribed fire. Filing.

MR. BERGER: Fuel reduction can basically--it's anything that reduces the volume of available fuel. It could be a timber-harvest practice where you're removing commercial grade timber to separate the crowns, to reduce the hazard associated with crown fires. It could be removing any dead and down material that is just normal deposition from a timber stand. It could be removing the fuel loading from a precommercial thinning; thinning trees, you know, small trees, where you have thousands of stems per acre. If you thin them to a four-to-five-hundred tree density, you're going to have all of that fuel buildup; so, removing that. You could be building field breaks. You could be trampling material out



there to get it closer to the ground. It burns with less intensity. Fuel will burn with less intensity if it's compacted.

It could be chipping of material and just shooting it back into the woods to get it delayed in a chip strata right next to the ground.

So it could be just a variety of everything. It could be prescribed fire. It could be jackpot burning, which is going into a heavy fuelloaded area where you may actually have some snow on the ground, and you go in and you light those jackpots to burn out some of those fuel concentrations; so, fuel treatment, as referenced in this strategy, really is a combination of a lot of different opportunities to manipulate the fuel profile to reduce the fire-line intensity, and therein makes fires easier to control. It really has nothing to do with eliminating the number of ignitions we may have to deal with, but it certainly has everything to do with what happens when you have an ignition, in terms of the damage that that fire represents to homes, and, you know, the urban areas, as well as to the other resources, be it timber, or watershed, or whatever.

MR. OLRICH: I guess my point is that they do kind of blur together.



MR. BERGER: Yes, they do.

MR. OLRICH: Do you have itemized specific treatment for each area in the Hills now; exactly which one of those you are going to do where? Is it exactly specified on how you're going to treat each area at this point?

MR. BERGER: We do near term for our next year's program and starting in the subsequent year. Ten years down the road, as far as a ten-year option, no. We just don't have the resources and the funding to plan that far out, and things change. It changes over time. You get a snowstorm, with a lot of snow damage; wind breakage, and so forth, so it doesn't serve to plan too far out.

SUPERVISOR TWISS: Mr. Chairman, I think what we have is we can show you what we have done in the past; how much has been prescribed fire; how much has been pile burning; how much has been thinning; et cetera. We have those, and so we can break it into those categories, but we have not planned yet into the future as to what treatment we will use yet.

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: John.

MR. TEUPEL: And I guess my point here,



coming back, you mentioned that those treatments may be one of several things, but my point is that, according to your numbers, it's obviously not timber harvest because your numbers for timber harvest are the same in the five-year plan as they are in the ten-year plan, and so it must be one of those other treatments, other than timber harvest, that you're planning on in that accelerated five-year plan. Is that correct?

MR. COOK: That is correct.

MR. TEUPEL: Thank you.

CHAIRMAN YELICK: Bob.

MR. PAULSON: I realize that this is a draft, but on your Page 7, you state, "This treatment level, if properly located in the wildland-urban interface and across the landscape." I am wondering if there has been some discussion, or will be discussion, about the percent that is in the designated wildland-urban interface because the current legislation that's being--as Supervisor Twiss mentioned, we've got percentages ranges from 45 to 85, at least, as the percentages in the wildland-urban interface, and I think that would be a very important sidebar to this chart.

SUPERVISOR TWISS: On Page 2. The fifth



one down-- Let's see, the sixth goal.

CHAIRMAN YELICK: The goal would be?

SUPERVISOR TWISS: Seventy percent.

MR. BERGER: Yeah. The emphasis would be 70 percent; and this past year, it was right on the nose, 70 percent of the treatment that we did; the hazardous fuel treatment that we completed in past fiscal year was in the urban interface, 30 percent.

MR. KLOSS: May I just add, is it the case, the reason why the expenditure would be greater, is largely over the increased cost of doing wildland-urban interface, as opposed to doing it in more remote areas?

SUPERVISOR TWISS: I wish we would have thought about that. Maybe. I'm not sure of the numbers, to be honest.

MR. KLOSS: That's what the recent legislative intent says.

MR. TEUPEL: I think you are mistaken there, Bob, because I think, on reflection, the number that was stated earlier, the number is an average over five years, and these acreages increase substantially from years one to five. In the first year, they're showing 10,700 acres treated under the W.F.H.F. In the fifth year,



they're showing 48,000 acres treated under the W.F.H.F. None of those-- None of the treatment in that acreage figure would have any timber harvest in it, and so there isn't any offset in that. It's all expense driven. So, in that fifth year, you get 48,000 acres of treatment there, which would be--it wouldn't be reflected in the average.

MR. BERGER: But the figure that's used for purposes, as far as cost per acre as fuel treatment, is based on experience, the average now, of which 70 percent is in the urban, and 30 percent in the nonurban, so that 300 and--whatever that figure was, is based on an average; and, you're right, cost in the urban interface is more expense than treatments in the general areas.

MR. COOK: Summary. Insects and fire is a natural process. They have been here for a long time. They will continue to be here. We have a very resilient forest. Strategy to treat 60 percent of the high-priority acreages. We talked about the CARs and WUIs, communities at risk and the wildland-urban interface. Significant increases in funding and changes in the process are needed.

The biomass. This presentation was initially put together by Dave Thom from the



biomass meeting two weeks ago. So, in that, there was a concern for small-diameter materials; how much can the forest generate for possible biomass production.

All administrative and policy tools will be needed. Congress is looking at new laws to help speed things up.

MR. SMITH: Mr. Chairman.

CHAIRMAN YELICK: Nels.

MR. SMITH: Does the biomass totally include--is that trees and shrubs, only?--or does it include grass or smaller shrubs?

MR. COOK: It does not include grass.

MR. SMITH: No grass. Totally trees?

MR. COOK: Trees, yeah.

MR. SMITH: So there are many, many tons missing from that inventory, then, in reality, I would suggest.

MR. COOK: Is that number in this handout?

MR. BERGER: No. Well, yes, I think it is.

SUPERVISOR TWISS: Mr. Chairman--and this may be for you, Dean; and maybe you don't have the answer--but we have identified the problem as being 450,000 acres in size; and your strategy--

our strategy--says we're going to treat 60 percent of those 450,000 acres, and I think I understand that we might not treat every acre that's thick and every acre that's infested. Where did you come up with 60 percent?--or did you? Why 60? Why not 80 percent?

MR. BERGER: As you know, each year, you add more, and I think your paper identifies that.

You're always increasing the treatment. Canopies are growing--you know, closing. They're creating a fire hazard, and you have depositions throughout the forest, and you have natural events that, you know, continuously add to the fuelloading and the stem density, so, when you treat 60 percent, you have actually lost a certain percentage. You know, 60 percent-- We have certain limitations in terms of the infrastructure needed; you know, the contracting folks. You know, this would not be done all in-house. You know, we would utilize available contractors out there to do some of this work, and so you're limited, to a certain extent, as to what you can do. There's a point in time where you also need to realize, I guess--or I think there's a limitation on dollars, too. This is a very ambitious program here, and, you know, whether we could come up with a five-year strategy



and get the funding is wishful thinking, probably; so, to go beyond that--you know, if it could all be done next year, John, in answer to your question, perhaps that would be the best strategy.

Is it a realistic strategy? Probably not. Because we neither have the workforce, nor do we have the funding. If we could be done in one year, and then move on and just treat the additional acreage that comes on line, as far as that hazardous condition, that would be the best of all worlds, but I don't think we can do that. So, why 60 percent?

SUPERVISOR TWISS: It seems arbitrary.

MR. BERGER: Perhaps. Perhaps, yeah.

CHAIRMAN YELICK: Where are we, now? Where were you, Blaine?

MR. COOK: I'm nearly to the end. The last slide. That's a picture of Bear Mountain Lookout on Hell Canyon District. Mountain pine beetle patches to the right; and the Jasper Fire area in the back.

MR. PAULSON: When was the last Bear Mountain pine beetle outbreak? Was that like in '88 or '87?

MR. COOK: Early '90s; '92, '93--'94.

MR. PAULSON: They treated that. They

basically had the same problem ten years ago that we have now; or twelve years ago.

MR. COOK: Just north of there, yeah.

MR. PAULSON: How do you explain that this recurring in less than ten years after the last treatment effort up there?

MR. CARROLL: Blaine, would you take a minute and explain what happened there.

MR. COOK: We had an insect outbreak, and we went in and did a sanitation harvest. We hauled the bugs out. That suppressed the population. We've had no extensive outbreak; we have been unable to do the same treatment again in the same area, so now we're just watching it sort of getting eaten in these larger patches. The difference is our ability and flexibility to go in and do something when we see the problem occur.

MR. PAULSON: Mr. Chairman. Whoever was here, back then, you went in and treated it within less than a year, and you shut it down ten years ago, and, yet, now, ten years later, we have this. You know, this presentation implies that we're going to fix something in a ten-year time frame. That was completely treated ten, or eleven, years ago, and now we're having the same problem again. That particular shot I have seen from the early



sale areas to accelerate the harvest in this area.

It was a very successful effort. The bugs were removed. The harvesting was done in time so they wouldn't fly and infest the rest of the country; but certainly not all of the area was harvested; so, you know, in ten years' time, you have conditions--whether or not that particular--where the bugs hit, the bug infestation there, whether that was in a treated stand, my eye says it probably wasn't, simply because the stand looks fairly dense.

MR. COOK: The Bear House project, in the early '90s, was north of here. That specific stand was not in the Bear House project.

MR. PAULSON: Thanks, both Nels and Dean. That helps. I just had a vague recollection of what happened; and I knew that you, Jeff, did because they did divert contracts to get in there.

MR. OLRICH: So the treatment that was done is not in that picture, you're saying?

MR. COOK: Of the Bear House project?
No.

MR. OLRICH: The treatment that was done ten years ago.

MR. COOK: No.

MR. CARROLL: Including, Blaine, this



front picture here, which is much more open?

MR. COOK: This here?

MR. CARROLL: Yeah.

MR. COOK: This was the result of a blow-down.

MR. CARROLL: No; not the hole, the stand in the foreground. Was that treated?

MR. COOK: The area around Bear Mountain, specifically, is in Bear House.

MR. BERGER: To say that there are no pictures of any trees around there, I think, is probably wrong. I would say that the stuff in the foreground in that picture was probably-

MR. PAULSON: And the background was also treated below that one ridge?

MR. BERGER: Could very well have been.

MR. PAULSON: Because that view, I think, is northeast.

MR. BERGER: I would have to orient myself and take a look at the area maps.

CHAIRMAN YELICK: I would ask that we should get back on point here, which is for the Board to consider what our options are, and what kind of a recommendation would you like to see out of this Board? In other words, not the content, but what would you like from this Board because we



advise the forest supervisor, John Twiss. So what advice should we give to John Twiss?

MR. COOK: The advice is you've got a very prolific forest; a lot of trees, and they're growing. If I was king for the day, and had the thinning to keep up with growth, I would thin 50,000 acres a year. That costs money, big-time dollars. That's John's dilemma. To go after this is a lot of money.

SUPERVISOR TWISS: Mr. Chairman, what I would like to have is-- Have any of you seen this strategy up until today?

MR. TEUPEL: Have we what?

SUPERVISOR TWISS: Have you seen it?

MR. MARGADANT: Yeah; yesterday afternoon when Gwen was kind enough to forward it to us.

MR. COOK: I would like to have a discussion of concerns, and questions of all kinds, and then I think it would be helpful to go back and read it, and think about it, and then get back together and maybe have a more intelligent discussion because this is a big strategy; I mean, very costly, and very comprehensive, and it's also an aggressive strategy, and I think it needs some thought, and my hope, today, would be to have discussions; not necessarily recommendations.



CHAIRMAN YELICK: We can have discussion,
a lot more discussion. Jeff.

MR. OLRICH: We're discussing this presentation.

MR. OLSON: If I could make a statement-- and I don't know if you will agree, or disagree, with me--but when you started that presentation, you had, you know, the Custer picture, no trees, and then how many years later, huge trees. What was the management goal back when we didn't have the trees? I mean, I guess, you say that we had frequent low-intensity fires. That was probably the best management tool, and something that we don't have now, and that's why we have the forests we do now, the main reason, in my opinion. Has anybody read this book, by the way? It's in this book. If you haven't read it, the Board members need to read it. I told Frank I was going to stress it, and Frank just--but it's really, really good, and really explains a lot of what we're talking about today. What it really boils down to is you didn't put a lot of emphasis on prescribed fires as being one of the management tools in there. I know it's mentioned. How big a portion is it? It seems to be a very valuable tool. It's nature's way of managing the forest.

MR. COOK: We mentioned that earlier. 48,000 acres of prescribed fires. The present forest plan talks about 8,000 acres per year, so that's a significant increase.

MR. OLSON: What do you see as a hurdle to prescribed fires?

(Off the record.)

CHAIRMAN YELICK: We're going to have to eliminate questions and answers. You've got to turn and be recognized and state your question.

MR. OLSON: Prescribed fire is basically the issue that I'm questioning on, and the emphasis on that, and the hurdles that we have, and how it was such a viable tool a hundred years ago. It was nature's way of taking care of our forests, we have slowed the fire down, and that's one of the main reasons that we have this problem today, and so I know it's part of this plan, but I want to know what the emphasis is; what percentage it is, and some of the hurdles of actually using it; you know, obviously, within the urban interface and the financial, also, because, years ago, John Twiss approached--ten years ago--prescribed fire, and it was just--we couldn't afford it, it was such an expensive procedure; so, where are we at now in using that tool?

MR. COOK: I think Dean could maybe give you some thoughts concerning that.

MR. BERGER: As far as using prescribed fire, you know, it presents tremendous risks. Anytime you light a match--and we're all familiar with some of the things that have happened with the National Park Service at Los Alamos--and, you know, so it presents risks, and then you only have a certain number of windows of opportunity, and we have been trying to do some prescribed burning this fall. We have had a pretty good success. One of the things that we're also finding out is that, on some of the prescribed burns that we have had, we have got a lot more mortality of the mature trees than what we would like to have. That's part of it. You know, just because of the condition of the trees. We talked a lot about the drought. We have had droughts, just as serious as the drought that we're currently in, but there is something going on out there with those trees because the trees--the live fuel moisture in the trees, is significantly lower than any time that I can remember since I've been in the Black Hills, and I have been in this area for about twenty-three years now.

We also know that our heavy fuels, our

thousand-hour fuels, the large dead-and-down material, is dry. You know, it's looking in the low, or the high, teens, which normally, this time of the year, we should be looking at stuff that's in the 30 percent range, in terms of fuel moisture. So, these fuels are burning up completely. They add to the overall heat within that environment, and we start losing trees; so, prescribed fire is an ideal method to burn, to replicate the presettlement, you know, manner of treating those stands.

You know, we saw the slide with the subdivision. When you're burning in people's backyards, there's a risk there. The forest is much denser than it was presettlement. You know, back when Custer came through, it was a fairly open forest. So there's a lot of things that work against it. Usually what works well now is some type of a tree thinning or harvest treatment, and then prescribed burning. You can reduce the fire-line intensity. But there is, you know, just a couple of things that are obvious to me and they should be obvious to everybody, which is that you can't stockpile allotments on a given acre of ground. A couple of things are going to happen. The bugs are going to take care of it. The fire



You know, something--the deposition, at some point in time, will equal the decomposition, but, on this forest, that's beyond any desirable condition to try to run a fire through. So it's a preferred method, but the windows of opportunity are pretty limited, and that's why the forest plan, in the revision, said 8,000 acres. Blaine said 48,000 acres, and I just kind of shuddered when he said that. To think that we would do 48,000 acres of prescribed burn--it's easy to do.

The problem is that most of the Forest Service people would be run out of their communities because we would have burned up probably a lot of houses, and probably a lot of timber, and a lot of other things that are totally unacceptable; so, something--8,000 acres--you know, and ideally more than that, but let's get the 8,000 acres first. The last few years, we have been doing roughly 3,000 acres. I don't know if I answered that



MR. TEUPEL: Mr. Chairman, do you want that identified by individuals, so they can keep track of-- I mean, do you want to put your initials up there, or something?

CHAIRMAN YELICK: Yeah; just put your initials above it and so forth.

MR. CARROLL: Mr. Chairman, if I might-- during the break, we could list the issues that are here, and then we have a number of dots, and we could hand each Board member these five stick-on dots, and they could go up there and stick them next to their priority, and then we could count them up.

CHAIRMAN YELICK: Let's limit it to the top five because, otherwise, we are going to be reconfiguring the list. Jeff?

MR. OLRICH: Three and 4 are the same issues, in my opinion.

CHAIRMAN YELICK: That's one of the problems with the way they were listed, that's correct. So, if you want to change it--if you want us to combine--if the group wants to combine 3 and 4, that's fine, and then we'll take the fifth in the priority. I recognized that, Jeff, but that was it. So if you--does the group want to combine 3 and 4?



MR. TEUPEL: So, I think, according to--
if you're going to have the top five in terms of
what got the votes, fire suppression should come
off of there, and fragmentation should go up,
based on your list.

MR. COOPER: One last question, before we
take a break.

MR. COOPER: In the issue of prescribed fire and using timber management, does the Forest do patch cuts, and then come in behind and do prescribed fire with burns, with the idea in mind of opening up meadows as natural fire breaks?

MR. BERGER: A lot of times, as part of the K.V. program, usually we come behind with a prescribed fire. A lot of times, it's not necessarily fuel- reduction emphasis, but is more for wildlife habitat improvement, range improvement. K.V. is basically for sale-area betterment to improve some resource condition out



there. It doesn't necessarily have to be timber; and then we do have brush disposal that is collected from the purchaser to come back in and treat; and a lot of times, we'll do prescribed burning, or piling, and other fuel treatment, and that is a brush disposal, or activity, fuel treatment trust fund. In the K.V., a lot of times the prescribed burning is done behind a--you know, some type of intermediate thinning would be done for wildlife or some other resource value.

MR. COOPER: Just one last question. Would that fall into the Forest Health Program, also? I know there is a little bleed-over here, between two-

MR. BERGER: There is some bleed-over, and Dave attempted to account for--so he wasn't double counting acres; because, for example, the precommercial thinning, following a timber sale on an overstory removal. You know, the Forest will come in and have a contractor come in and do a precommercial thinning behind that, with commensurate fuel treatment work in there, so there is some overlap on the acres, and he has kind of a disclaimer in here, or whatever, but I think he reduced the--you know, recognizing, just based on past programs, over the years, that there



is a certain amount of duplication and duplicated acres that you see multiple treatment; that all maybe have some fuel-reduction benefits, and he's accounted for that. I don't know if that answers the question or-

MR. COOPER: It does. I guess my concern was that there may be a way to lower the risk of prescribed fire, if you would work with timber, to begin with, to come in and do a patch cut, with the idea in mind that what you would end up with there would be a long-term, open-meadow fire-break set of circumstances, and then come in with your fire, afterwards, which would, hopefully, reduce the risk of it getting away.

MR. BERGER: Prescribed fire is almost always easier coming in on the heels of some type of a timber harvest, particularly when a whole-tree--a whole-tree harvest method has been used, where you don't have the tops and the limbs, and so forth, and, in most cases in the harvest treatments that are occurring now, most of the feathers, the limbs, and the tops, and stuff, you know, come out to a landing, anyway. But, you're absolutely right. It reduces the risk; it separates the canopy of the trees that you're trying to leave; you know, those blue trees, and



CHAIRMAN YELICK: We'll now take a break, and we'll wrap up this discussion, but we're not going to have the recommendations on yet, until the next meeting. We have to set these priorities, and then we're going to have a program the next time that we are here, and we're going to have a program of work for the next five meetings. Let's take a break.

(Meeting resumed, 3:00 p.m.)

MR. CARROLL: Mr. Chairman, I just handed out "Forest Resources of the Black Hills National Forest."

This is an outstanding factual presentation about the current inventory, if you will, and you will find some very interesting information like the forest currently has in excess of 160 million trees, less than three



inches in diameter, at breast height; and so, it will give you some--when we're talking about forest density and the fact that there are too many trees, this gives you a calculation about where that comes from.

And, then, also, for your general interest--and, Jim, if you will hold that up--this is a tree, and it was born in--

MR. SCHERRER: 1608.

MR. CARROLL: --1608; and each one of those major circles of black there was a fire that burned through there, but the tree didn't die. And another problem we have with prescribed fires, at this point in history, is that those trees--that tree was 400 years old when it died--and those trees that made up--you know, there were many of those trees across the Black Hills 150 years ago, but most of those trees are gone.

The forest no longer looks like that, and the ability of trees to survive that kind of intense fire has diminished, so there is much to be done.

MR. SCHERRER: Mr. Chairman, if I could--

CHAIRMAN YELICK: Jim.

MR. SCHERRER: If I could just come down--and this is for Supervisor Twiss, as well as you.

From an action plan standpoint, if I'm understanding my responsibility, it will be for me to read through this, in more detail, and digest it, and come back and, as John said, discuss this more intelligently.

Perhaps somebody can enlighten me on where the money is going to come from to do all of this, and what is the purpose--I mean, is that likely? I mean, you're talking big dollars here, and I'm real curious, is this going to be an exercise in futility for us to provide you advice, if we're not going to get the money? Do you want advice on how we're going to get the money? I'm not sure what you want me to do, besides go back there and look at graphs. I'm not sure I understand.

SUPERVISOR TWISS: I'm not sure I do, either.

CHAIRMAN YELICK: Well, let me-- Just from my experience in dealing with appropriations in the legislative, or in the Congressional, process, this group says, "This is what we ought to do," and establishes a priority. This would give them a level to understand what we have recommended. They're the ones that are ultimately responsible, but, if we say nothing, then we don't

have any input; we don't have any place that they can go to and to say, "Well, here's what the people feel," so, this gives--because we did pass impact-- My point is, Jim, that we did have impact on the national legislation that passed both Houses because we did say it was a step forward, but the other thing that we said was "it needs some more refinement," and "we need some dough with it." You can't bake bread without dough, and we need--if we come up and we--whether we approve, or recommend one, two, or three options--if we had three options and say it's \$70 million/billion dollars, you've got to look at the overall national forest in all of the country, and, as the forest supervisor says, "It's 89 billion, and it will take five years before you would see any significant impact," but, if that's what we feel, and that's what we recommend, then that's what we will--

MR. SCHERRER: All right. Thank you.

CHAIRMAN YELICK: Jeff.

MR. OLRICH: Just a further point on this. I think he did a very good job and explained to us what we have; what we need to remove, and maybe some ideas on how to remove it; but I think, also, maybe in one of these five

topics, it's also very important to discuss what we leave behind. I find it important what we take, but it is also important what we leave behind, in hardwoods, and other sorts of habitat and future goals from timber harvest, and so on.

CHAIRMAN YELICK: Your point is well taken.

MR. MARGADANT: I guess I'll address this to Superintendent Twiss. I'll let you know of some concerns that I have, right up front, about this, so I guess I would be looking for some answers down the road.

First is, I guess, the inference I draw is that this may be used to settle the Governor's lawsuit, and I'm aware that the papers, the story, at the time Governor Janklow brought the action, claiming that the forest was being mismanaged because of directions that came from Washington and down, and that it was not science-based management that was going on in the Black Hills.

I'm concerned that, if this is used as a basis to settle a lawsuit, the Forest Service may be getting into forest management by court decree.

Of course, the plan, for all practical purposes, if it's enforceable by this settlement, this would be the result dictated. It's like an engineer dry



labbing his result. Well, we've got the results; now how do we get there? I see nothing in there that talks to what I would understand is the use of science and forest planning, as I know it, and how the Congress has provided for it in existing legal structure.

My other concern would be that this is-- as was pointed out--a very aggressive point of action. I don't see any attention being given to monitoring. If you engage in an aggressive course of action, if a mistake is made, how do you recognize that mistake and then what mechanism would be provided to rectify the mistake? Those are some concerns that I have.

As you were informed, we got this yesterday afternoon. I have gone through it a couple of times. I have a number of questions. I have even a question of whether or not it's a sustainable legal forest plan. I've got a lot of homework to do, and probably a lot more questions I'll be asking; maybe through your office, and maybe through Frank's, or Gwen. Those are my concerns right now.

CHAIRMAN YELICK: Thank you, Jim.

MR. COOPER: Mr. Chairman--

CHAIRMAN YELICK: Coop.



MR. COOPER: It seems to me like there is a little bit of an immediacy here at this meeting, and that is it's based upon--I'd like to have John maybe go a little bit more into the compromise that the Senate has come up on the Healthy Forest Initiative, to find out whether or not, from the Forest Service's standpoint, that current compromise is going to give them the tools that they need to look at the urban interface fuels-reduction issue. I think we're going to end up with a priority here for fuel reduction, and it's especially going to be aimed at the urban interface.

In John's--in his presentation, the most aggressive treatments are based upon whether or not there's going to be two things; one of them would be the monies that would be available to implement this plan, and the other one would be the tools that would be needed as a result of this compromise to get categorical conclusions or reduced NEPA inputs, or something that would speed up the ability for the Forest Service to determine what needs there are in the urban interface, some of which I think this advisory board could help them with to set those priorities on the urban interface.



But the other thing that might have to come out of this particular meeting is a follow-up to our original letter that we sent to Congress in regards to the Healthy Forest Initiatives, 1904, et cetera, urging Congress to reach a compromise that gives the Forest Service the ability, on the urban interface, to do their work; and I'm just throwing that out for maybe possible discussion, but that might have to occur after we get through looking at our prioritizations.

CHAIRMAN YELICK: It's a good point, Coop. And the Chair would recognize that I've had that concern: that the federal legislation could move more quickly than we would respond, and maybe we should do something in response because I think it does make a difference. I agree with you.

MR. COOPER: The way I read this particular compromise, right now, it really doesn't provide the immediate tools that the Forest Service would need. Maybe John would be willing to talk about that, or would you be able to give us some kind of feel in regards to what-- given where we are right now. What I have seen of this, at least on--I think Frank helped us by sending us some recap of what the Internet had in regards to compromise. Is it going to work,



John?--or is it not going to work? I think we need some help here.

CHAIRMAN YELICK: Why don't we handle that after we go through-- We'll finalize this discussion on the presentation, then we'll go through because I want to get at the--because this is our program of work for the coming year; so, Coop, let's hold your point. Your point is well taken, but let's hold you point until after that. John?

MR. TEUPEL: I guess I would disagree, a little bit, with one of Coop's presumptions that was just made, in that, when you talk about fuelload reduction, then most of it is going to be made in the wildland-urban interface. That's one option. And that's not necessarily--I don't think that that assumption is made in the classification of fuel and reduction there; that it's necessarily just going to occur in the wildland-urban interface. That's just one priority within that, and where that occurs is something that--in terms of what this Board's priority is, or what the Congress's priority is, where they're going to put the funding needs to be shaken out, but I don't think--at least, it's not my assumption, at this point, that the category of fuelload reduction is



presumed to occur mostly in that wildland-urban interface, in that categorization that's on the board there. I just wanted to make that clarification for my mind. Do you differ with that, Coop?

MR. COOPER: The only reason that I differ with it is I think the monies will determine where those treatments are going to take place, and the priorities for the monies are going to be set up based upon fuel reduction in and around communities at risk, to begin with; and, at some point in time, maybe some additional money is going to come, but I think this initial surge is going to be earmarked for the Forest Service to look primarily at urban interface issue.

MR. TEUPEL: And I wouldn't disagree with that, Coop; and, you know, ultimately, I would imagine that whatever legislation that comes out of Congress, in terms of the Healthy Forest Initiative, a portion of that is going to be earmarked, it looks like, to occur in the wildland-urban interface, and what portion of that, I don't know, but, ultimately, we don't have a final piece of legislation at this point, and I guess I would ask John Twiss maybe to expound a little bit upon: if there's an agreement that has



been made between the Administration and the Senate, and that's on the Senate version, and what the Senate version entails, if that's where the 50 percent is going to be spent on the wildland-urban interface, and 50 percent outside of that, and is that wildland-urban interface defined as a half-mile area?--and I would be interested in knowing that, as well.

CHAIRMAN YELICK: Okay. Let's complete our exercise on the presentation we just saw. Any other questions on that presentation? Let's just leave the national legislation for a minute. Okay? Any other points or comments? Vice-Chairman John, I think you were totaling these. Would you go up and put the totals on, and while he's doing that, let me read to you, from Roberts' Rules of Order, a newly revised tenth edition-- this is a joke, John-- "The practice of sending to all members advance copies of the minutes, as drafted by the secretary, has both advantages and disadvantages. It is natural for the members to prefer to study the minutes beforehand to be better prepared to offer corrections; and this procedure generally saves time when the minutes come up for approval. On the other hand, the



minutes do not become 'the' minutes and assume the official--become the official record of the minutes and assume their essential status as the official record of the proceedings of the society until they have been approved."

All right. All I'm attempting to put out to you is there are some advantages and some disadvantages. I have the decision that we will send to you the minutes immediately after we receive them from our recording secretary, and we will take action accordingly.

(Discussion off the record.)

MR. SCHERRER: Coop, I see you don't have your boots off. Will you be able to count those without--

MR. COOPER: I can count that a lot easier this way than I could with a calculator; I know that.

CHAIRMAN YELICK: I would just point out to you all that the lower number is the higher priority; right? Okay?

(No response.)

MR. SMITH: Mr. Chairman, I have one to add into the mix on this. The presentation had to do, of course, with fuelload reduction, and if you notice the first picture of a fire was burning in

a real thick stand of grass. The biomass would not quantify forest plants, and when I got to thinking about that, that's probably because it was measuring the amount removed for those biofuels, and that sort of thing--process; but my point is this: I really would hope the members would consider making sure that we manage the grasses and forest and low-growing shrubs, as well. You've got a fuel break, for example, that's been made by virtue of removing the trees and connecting overstory, and that fire just gets there. There's an abundance of unutilized forage that runs in that dry grass across the fuel break and picks up on the other side. You haven't helped yourself much. And the other one we'll get to later because it has to do with the chart up there, but it was a good presentation. I appreciated that. A lot of work went into it.

CHAIRMAN YELICK: Okay. Then, Number 1 will be the subject of our next available meeting, so the subject will be fuelload reduction. Number 2 is fragmentation. Number 3 is forest health. Number 4 is travel management, and Number 5 is invasive species. Now, these aren't necessarily in the priority in which you put them on your sheets, but these are the priorities that you

voted on them or in the order that you want to talk to them in the succeeding meetings.

I will schedule them into the next succeeding meetings, with the Forest Service supervisor's approval. That's your decision. Any comments on that?--or any objections? John.

SUPERVISOR TWISS: I would just say that they differ from mine, and I will explain why; not that we need to do anything about it, but probably the one I hear the most about, other than the health and fuelloading in the forest--which I kind of regard as one issue, although health could be--you could separate bugs or something--well, maybe not--but anyway, is probably travel; you know, basically the openness of travel in the Black Hills forest, and the effects that it has on people's experiences out there; the resource, itself, from the ground to the wildlife populations, and so it's certainly an issue. It's certainly an issue that's worth looking at, in my priorities, just from the number of publics that I hear about and the constant whining of the rangers, and so I share that with you.

Stepping back from that, fragmentation is an issue, a truly huge issue. What's happening with the lands in the Black Hills area and

adjacent areas? Is there anything we can do? What do we want to happen? Probably the single biggest issue would be--it would be hard to say that it's the "single biggest," but it is one of the biggest issues, and it's going to affect the quality of life and health of the forest here. That's my point.

MR. TEUPEL: Mr. Chairman?

CHAIRMAN YELICK: John.

MR. TEUPEL: I would just like to respond to the Forest Supervisor's comments there. I think there may be a certain amount of procrastination, which exemplifies a part of the Board on that travel-management vote because we all know how controversial that's going to be, and maybe we want to push that back a little bit.

I know there is certainly some sense of that, and my feeling on that is that, you know, that's got to be that stickler when we delve into and maybe that's not one of the first ones that we want to delve into.

CHAIRMAN YELICK: Bob.

MR. PAULSON: We were just talking about the world is run by who shows up. You're missing a couple of people anywhere on that chart. You can solicit that, if you want to, but maybe it's

not that important.

CHAIRMAN YELICK: What is your point?

MR. PAULSON: The point is that we're making these priorities, without having everybody's input.

CHAIRMAN YELICK: But, Bob, you have made the point before on other things, but we call the meetings; people know when they--we have scheduled them, and even if we are going to change the agenda, I call everybody before we change the agenda of the meetings; but it's very frustrating because people know, and if there's something that happens that makes it impossible for them to be there, then I assume that something happened that's made it impossible for them; so, I understand your point, but--

MR. PAULSON: That's all it was, was a point.

CHAIRMAN YELICK: Because we're making a great deal of effort to try to keep the group accommodated and to stick by the schedule that each of you put out.

MR. SMITH: Mr. Chairman, there's a cliché that I hear from my kids, "Too bad." If the missing members all voted the exact opposite of those priorities, as they are now established,

it would change. Number 1 is still Number 1. And is there a big spread on the others? It's-

CHAIRMAN YELICK: Was there another point?

MR. COOPER: Mr. Chairman, the way I look at this is there is not a lot of gap between 1 and 5. All of those issues are issues that the Forest Service has to deal with every day, and the advisory board is going to have to deal with them all.

Also, the most immediate one is the fuelload-reduction issues because of the private property and the personal--and the possibility of some kind of a fatality, with regard to whatever major fire issues may occur, but the rest of it, in one degree, or another, are all fairly close issues. I mean, maybe Bob thinks fragmentation should be ahead of travel management. I may believe that travel management should be equal with fragmentation but, in my mind, they're all so very close and all so very important to the overall management of the forest. There's not a great deal of gap between them.

CHAIRMAN YELICK: Bob.

MR. KLOSS: I just wanted to say I had an occasion to spend about three weeks in the



MR. SCHERRER: Mr. Chairman, our "esteemed ex-minutes taker" was kind enough to send me, per my request, the several states who offer a vehicle policy, so that I could read those in preparation for this issue, and I would make those available if anybody--when, and if, we prioritize when we get there because we "ain't" going to have reinvent the wheel. We have just got to beat people over the head, us included, on getting the deal done.

MS. ERNST-ULRICH: I could provide those
to others, if the Board wants me to do that.

MR. PAULSON: I would like a copy,
please.

CHAIRMAN YELICK: Nels.

MR. SMITH: Along these lines, I think John Teupel is right: it sure is the hot-button



Going back to some of my earliest memories as a child was of driving in my grandfather's Buick through the danged forest, long before we had roads of the quality that we do today. There is, obviously, a little bit of sentimentality in that, but I really hope we can control the use, rather than do away with the use.

CHAIRMAN YELICK: Okay. Let's move the Board-- The subjects have been prioritized, as you can see. The Chair will entertain a motion, as far as these being established as a program of work to fit into our next five meetings.

MR. SMITH: So moved.



MR. BLAIR: Second.

CHAIRMAN YELICK: Discussion?

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: John.

MR. TEUPEL: The only exception that I might interject in that is if we are going to deal with the Phase II amendment. When that becomes timely, there may need to be a delay in there for a meeting or two. I just-- Well, my question is: how are we going to address the Phase II amendment because, when that comes for the public input period, when that becomes timely, I would think that we are going to want to deal with that in a timely fashion.

CHAIRMAN YELICK: My intent would be when it comes time for the Phase II amendment to be considered, that we would poll the Board, and inform them, and suggest that it be placed on the next meeting agenda and have them express their sentiment to a lot of that.

MR. PAULSON: Mr. Chairman.

CHAIRMAN YELICK: Bob.

MR. PAULSON: Mr. Chairman, first of all, how about a discussion of NEPA? Would that fit into the schedule?

CHAIRMAN YELICK: There'll be no



discussion of NEPA at all.

MR. PAULSON: My question was discussion of NEPA. That was what was scheduled for this time frame, and the Board voted it as a priority to learn about that, and I just wondered if that could fit into this at all; and you're telling me it doesn't.

MS. ERNST-ULRICH: If I could interject. We have a lot of handouts available.

MR. CARROLL: Mr. Chairman, one thing that we wanted to do in these discussions--we felt it would be inordinately difficult to present NFPA and NFMA without some grounding; and, by looking at something, like we did today, we can take the presentation, like we did today, and take some pieces of that. "What does it take to do thinning around a community," and then we could tie that to the process of NEPA and NFMA so we are not having an unfocused or unanchored discussion. We're having a discussion about how those laws, and that process, guides us to get a thinning program on the ground, and I don't see how that falls away from these five issues. We could still, as part of an upcoming meeting, have that discussion about NEPA and NFMA now grounded in the question, "Okay. What would you have to do to get a thinning



project on the ground at Custer?"

MR. PAULSON: That was my point. I was hoping that it might be an overlay to all of these. That's what I was getting at.

MR. CARROLL: Yes. Yes; because, in my view, it might be an important piece of information to have, and it doesn't take anything away from this. It's just a new provision of that process.

MR. PAULSON: I think my second and last point was: will it all be Forest Service staff presenting this information?--or will we hear from other folks, as well, on these topics? I'm not sure how that would work.

CHAIRMAN YELICK: Which do you mean? These topics?

MR. PAULSON: Correct.

CHAIRMAN YELICK: What's the sentiment of the group? Do you want to open that up?

MR. OLSON: Yeah. I, obviously- When I listed my five, I was at five or six different speakers for each topic, and you guys have that today, so, yeah, I would prefer to hear from more than one speaker; and not all of those speakers are Forest Service people; two, maybe, but we need to see the research, the data, and we need to hear

from some people, more than just Forest Service representatives.

CHAIRMAN YELICK: Jim.

MR. MARGADANT: With respect to the NEPA education. Gwen alluded to the Forest having a number of publications or information brochures on that subject. Could they be sent out?

MS. ERNST-ULRICH: I have documents over here that we just--that you could have some fun reading for at least a month and a half.

MR. MARGADANT: Well, you know, I would suggest, to begin the educational process, irregardless of when this might be scheduled, some of this material could be disseminated, immediately, to Board members and get the ball started.

NEPA is federal law, and it's hard not to--it would be very hard to spin it so it's not objectively presented.

CHAIRMAN YELICK: John.

MR. TEUPEL: Thank you, Mr. Chairman. I guess the question I have, in response to the Chairman's question--or whoever's question it was--is this all going to be Forest Service people--or is it going to be--are we going to have other presenters. And I think that the idea of getting

other points of view presented is great, and I think it's an idea that we should entertain, but I think we're going to have to come up with some kind of a process, in terms of how are we going to determine who those presenters are going to be because, on any of these topics, I'm sure that we could come up with fifteen different presenters for each one of these. Everybody has got their pet person that they would like to have present on these topics, and so, to prevent this from becoming something where we have fifteen presenters on each subject, if we're going to have outside presenters present, then we're going to have to come up with some kind of a procedure on how those are going to be selected.

MR. OLSON: I agree. I don't know how you would do it, though.

CHAIRMAN YELICK: Okay. Does any one of you-- The only thing that comes to mind is to establish a subcommittee of which anyone serves on that wants to serve on it, to come up with a list of the speakers. That, then, will be submitted to the Board for their approval.

MR. OLSON: Mr. Chairman.

CHAIRMAN YELICK: Jeff.

MR. OLRICH: Very similar to a motion

that I made at the last meeting.

MR. PAULSON: Are you moving it again?

MR. OLSON: I guess we could.

CHAIRMAN YELICK: A second to the motion?

MR. PAULSON: Seconded.

MR. TEUPEL: Mr. Chairman, point of order.

CHAIRMAN YELICK: Yes.

MR. TEUPEL: Do we currently have a motion on the floor?

MR. BLAIR: Yeah. Nels made it, and I seconded it.

CHAIRMAN YELICK: Could you restate your motion? They said that you made a motion and Tom seconded it.

MR. BLAIR: Yeah. I think we made a motion to accept the findings on the Board that we were having a discussion about.

MR. SMITH: That's right.

CHAIRMAN YELICK: And we're in discussion on that, that's correct. The point is well taken.

MR. COOPER: I think, to follow up on the discussion part, maybe what we need to do is have the Forest Service provide the broad subject and invite those speakers to discuss these issues.

I think the Forest Service needed some



help with whoever some of us wanted to see from outside of the Forest Service, so they could call and say, "Do you have anybody, specifically, that you would like?" But it would seem to me we don't want to make this so cumbersome that we get into a point where every time we have to have a guest speaker- I think the Forest Service is-- This is the Black Hills National Forest Advisory Board, and we're trying to make sure that we help, and work with, and coordinate with, the Forest Service. In order to do that, what some members are saying is that they would like another perspective, another point of view, but the Forest Service ought to be involved in constructing, and working with, those outside speakers, in order to provide us with a balanced approach to this, but I don't know that we have got to have a guest speaker for every one of these things.

CHAIRMAN YELICK: Okay. Let's go back to the motion. The motion is that we establish, as a program of work, these--as I understand the motion now--to have these priorities for the next five meetings, and Blair seconded the motion.

MR. BLAIR: Yeah.

CHAIRMAN YELICK: Any more discussion pertaining to that subject, to that motion,



specifically? All in favor, say "aye."

(Those in favor voted "aye.")

CHAIRMAN YELICK: No's.

(Those opposed voted.)

CHAIRMAN YELICK: Now, back to Jeff's point, and his point, and everybody's point, as far as the selection of speakers. As we discuss these different subjects, how do you want the speakers selected? Nels?

MR. SMITH: Mr. Chairman, I know I don't know it all, but I believe I'm on this Board, as is everybody else, because of some particular field of knowledge, expertise, and interest, and while my mind works a lot like Jeff's, I want to get all of the information I can before I make my decision. I am one of the older members here. I'm not going to--I may not have that long, and we've just go to rely on the collective expertise of the Board, to a large extent. I don't say that we should close the door to the idea of bringing in somebody who can really bring us up to speed and bring us into focus on some particular points, but I would hate to see us go down the road of having to have a presenter on every issue we tackle.

MR. TEUPEL: Mr. Chairman. I am opposed

to the idea that we would have a subcommittee that would be voluntary, a group of volunteers, that are going to drive the agenda of who the outside speakers are going to be; and, from my perspective, that's the reason the motion was defeated at the last meeting. It's not the idea of having outside speakers that's bad; it's how are you going to get to the process of determining that; and I don't think that that's can, or should, but we have got fifteen different members on a Board, and each represents a particular point of view, and the idea that we're going to have three or four volunteers, who form a subcommittee, who are going to drive the agenda and who is going to select the outside speakers, there's no way that that can be objective; and, so, therefore, I think any decisions on outside speakers needs to come before the whole Board; and that is my perspective; not that the idea was a bad idea of having outside speakers, but the idea of delegating that responsibility, and that decision-making, to a subcommittee, is what I am opposed to.

MR. OLSON(?): Mr. Chairman. I would like to go back to what Coop said, and that is that I think the Forest Service has a sense of who



its worthy adversaries are on particular issues, assuming they're plural adversaries, and going to what John just said, if there is a need for a particular input from the Forest Service, then they could probably present us with one or two people who could present that as well as we could make the decision, as opposed to--and, again, it bothers me to set up a subcommittee to pick out who the speakers are going to be. If we are going to get involved in that sort of process, then let's just have the whole body do it and take whatever length of time it takes to decide who the speakers are going to be.

I am not in here saying anyone is right, or anyone is wrong about how a presentation is going to be made, but I certainly want to be a part of the process, and I think the Forest Service can give me a pretty good idea of who goes up against them and who knows the other side of an issue very well.

CHAIRMAN YELICK: We have a motion on the floor. Did we have a motion?

MR. OLSON: After hearing everyone else, I'll make a formal motion.

CHAIRMAN YELICK: You'll make a motion?

MR. OLSON: Yeah.



CHAIRMAN YELICK: State your motion.

MR. OLSON: I guess, after hearing what everyone says, the motion would be to leave it up to the Forest Service who our speakers will be, but allow the members to present a list--any list we choose of any member--to the Forest Service personnel who is setting the agenda, and they can choose from that list, if they wish; so it will be their prerogative to pick the speakers, but we can give a list of suggested speakers, if we wish.

CHAIRMAN YELICK: Okay. That's your motion. Is there a second?

MR. PAULSON: Second.

CHAIRMAN YELICK: Bob?

MR. PAULSON: It was on another issue.

MR. SCHERRER: I would just simply be sure that the motion is clear, that the members of the Board are--I want to make sure that I am clear on this--the members of the Board can provide the Forest Service the list, and the Forest Service can use that list, but is not limited to what we provide, to come up with alternative points of view or parallel points of view. Is that correct?

MR. OLSON: Yes.

MR. SCHERRER: Okay.

CHAIRMAN YELICK: Is there any discussion

on the motion?

MR. TEUPEL: Mr. Chairman. As I understand our agenda-setting process correctly, that it is the Chair, and the vice-chair, as well as the Forest Service personnel who make that determination, and, ultimately, that agenda is brought before the Board for its approval; so if there is approval, or disapproval, of anyone that's going to be presenting, that's going to be presented before the full Board in the form of an agenda?

CHAIRMAN YELICK: That's been our procedure, that's correct. Bob.

MR. KLOSS: I think I have the right formulation now. We can't assume, can we, that the Forest Service is uniform in its presentations, either; in other words, within the Forest Service, there may be differences of opinion as to who they come up with. The issue as to whether or not they want to get at each other is another matter, but I am sure there may be a wide range of differences within the Forest Service, so they can choose, or someone can choose, if they so will, to give us that presentation; and we might be surprised.

CHAIRMAN YELICK: Any more discussion of



the motion?

MR. BLAIR: Move the question.

CHAIRMAN YELICK: The question has been moved. The Chair seeing no objection to the question, we'll proceed with a vote. All in favor of the motion say "aye."

(Those in favor voted "aye.")

CHAIRMAN YELICK: Opposed?

(No response.)

CHAIRMAN YELICK: Motion passed.

The next item for-- Bob, you had another subject?

MR. KLOSS: I wanted to go back to the Bosworth four points in which I don't recall there was a priority, but he has fire and fuels, and I guess it's basically fuelload reduction or fire and fuels; and, if we recall, there was a draft response to ten questions, and my memo that I sent out on I think June or July 26th was how the Forest Service would address the questions for this forest on the matter of fire and fuels, so I would like to resuggest that they revisit what the national response was on fuels--fire and fuels, and see how the Forest Service would address those for this forest, and that's in my memorandum; so that's to just give focus on how this Bosworth

point would be handled in this forest for these specific ten questions.

CHAIRMAN YELICK: The comment is noted. John.

MR. TEUPEL: My question is this: we had on there a sixth priority. These were the top five. The sixth priority was fire suppression, and included in that was prescribed fire. The way it was categorized in the subcategories, Number 6, if you refer to your sheets that were handed out, forest health had six votes, and fire suppression had five votes in the original tally that we all did from the last meeting, and, then, under fire suppression was wildfire and prescribed-burn management and fire exclusion. I am wondering, for the Board's purposes, if that issue of fire doesn't fit into the fuelload reduction category.

Certainly, prescribed fire would fit into that category, and I would think that forest health would also be--fire would have to be a part of that discussion.

Now, the way it's broken out in these categorizations, it was a separate item that didn't make the top five, but, by my way of thinking, it should be included in one, or the other, or both, of those forest health and fuel



reduction, and I would like to get what the Board's feel is for that.

CHAIRMAN YELICK: Bob.

MR. PAULSON: Mr. Chairman, I agree. The rest, if you look at them, drop off to one or two votes, and since it's the next title to those four items, I agree that it should be worked into one of those presentations.

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: Yes.

MR. TEUPEL: Mr. Chairman, I would like to make a motion that, within the category of fuel reduction, we include prescribed burning as a part of that discussion, and, under the discussion of forest health, we would include any wildland fire considerations.

MR. BLAIR: Seconded.

CHAIRMAN YELICK: I'm sorry. What was the last part? Wildland-

MR. TEUPEL: Issues other than prescribed burning, like wildland fire considerations would be a factor of forest health, I would think, and then we would include discussions pertaining to prescribed burning under fuelload reduction; and under forest health, we would have other wildland fire considerations to be a part of the

discussion.

MR. SMITH: Mr. Chairman.

CHAIRMAN YELICK: Just a minute. I need a second to that motion.

MR. BLAIR: I did second it, Mr. Chairman.

CHAIRMAN YELICK: It's been seconded by Coop?

MR. BLAIR: No. Tom. We look a lot alike.

(Off the record.)

MR. SMITH: I agree with the intent, but the concern is are we going to have to build a laundry list then to get these in.

My thought is that, by addressing these broad general subject areas, we then have the latitude, as we get into them, point by point, to include them. If we start building a laundry list, then I have sure got a shirt, and a couple of pair of shorts, that I want to throw in there, too; and the implication could then be made, later on, "Well, that wasn't on our list, so we can't talk about that," so, frankly, I prefer to keep it open. I agree with having those items on the list, but I don't think we should put ourselves in a position of having to make the list up before we

actually get into the area after some time to put
some thought into it.

MR. SCHERRER: Mr. Chairman, it seems like I am always trying to get things clarified in my mind, but I thought what we agreed to is to have a presentation by John, and the folks here, and go home and think about it, and study this, and then I thought I would ask you to clarify what it is you wanted, and you told me that we want to come back here and give this guy a recommendation; not for one, two, or three; and have an impact. To me, we've already got a work plan for next meeting as a priority, and that includes all of the things that John raised, so it would seem, to me, that this priority list of 1 through 5--we are already set up to talk about fuelload reduction and include fire, and all of that, because that was just presented to us, and that's all part of what we have to make a decision on to recommend, or to recommend, to the supervisor, so I am not sure that that adds anything to what we are already lined up to do next meeting, and then the following meetings: fragmentation, et cetera, et cetera.

MR. TEUPEL: Mr. Chairman.

MR. SCHERRER: I am trying to understand.

MR. TEUPEL: Mr. Chairman. My point is only a point of clarification, and perhaps it would have been simpler had I not brought it up, but, in the delineation that the Forest Service staff made when they categorized the responses that they got from all fifteen of us, or fourteen of us, from the last survey, fire suppression was delineated as a separate category. It wasn't included in that top five; and, by my way of thinking, that should be part of either the fuelload reduction debate, or the forest health debate, or both of those. Those shouldn't be exclusive of fire. I don't think it's the assumption of the Board that it would exclude fire. I just wanted to clarify that because, in the tally, that was Number 6, and it was delineated as a separate item; so, I wanted to make that point of clarification.

MR. CARROLL: I take full responsibility for the arbitrary and capricious nature of this list, and I fully recognize that fire is an integral part--you know, everything we are discussing--in some way, shape, or form, and I promise you, we will not miss those things or leave them out.

CHAIRMAN YELICK: Let me say, in all



deference, I reviewed the list that you have submitted, and so forth, and so on, and I didn't know enough to make that kind of determination, and so I called Frank and Gwen, and I said, "You've got to put these together because you do understand the basis for some of these subjects that were presented," so they did that at my behest.

MR. TEUPEL: Mr. Chairman, I would just like to add that my comments in that regard aren't any indication of a point of criticism about on the arbitrariness and capriciousness of how the determination was made. I was just trying to make a point of clarification.

CHAIRMAN YELICK: We have a motion on the floor. Any discussion on the motion? Does anyone want to hear the motion again?

MR. TEUPEL: I made the motion, and it was seconded by Tom Blair.

CHAIRMAN YELICK: Restate your motion again, please.

MR. TEUPEL: My motion is that we have five priority items, as they are listed on the board. Fuelload reduction; and included in that would be discussions pertaining to prescribed fire as one option for fuelload reduction; and, under



the item of forest health, and any discussions that we would pertain to wildfire would be a component of forest health discussion.

CHAIRMAN YELICK: And that was seconded?

MR. TEUPEL: Seconded by Tom Blair.

CHAIRMAN YELICK: By Tom Blair. Any other discussion?

(No response.)

CHAIRMAN YELICK: All in favor, say "aye."

(Those in favor voted "aye.")

CHAIRMAN YELICK: Opposed?

(Those opposed voted.)

CHAIRMAN YELICK: The Chair is in doubt. I'll call for division, a show of hands. All of those in favor of the motion, raise your right hand.

(Those in favor raised their right hands.)

CHAIRMAN YELICK: Okay. Thank you. All those opposed.

(Those opposed raised their right hands.)

CHAIRMAN YELICK: The motion passes.

The next item of business; and one of the points that I asked John Twiss about, was concerning--I said, "Since we're advisors to you, John, we really need to have you at every one of

our meetings, so if you have"--if he develops a conflict because of being called by his superiors to Washington, and so forth, which has happened; he has a conflict for the next meeting, so we're looking at proposing a meeting change; so, we would not have a November meeting. We would have a meeting the first part of December.

SUPERVISOR TWISS: Or another week in November, if it works for the folks. The week of the 10th or the 24th.

CHAIRMAN YELICK: When was the Governor's address, John?

MR. TEUPEL: December 2nd.

CHAIRMAN YELICK: December 2nd. Coop, you have a complicated agenda. What is your-

MR. COOPER: Yeah, I do. It's kind of back and forth, depending on what we're doing with the Missouri River and the legal issues, and all of that, but the best thing to do is set it, and I'll do everything I can to be there.

CHAIRMAN YELICK: December 3rd? That's a Wednesday. That's a question. I'm just trying to get everybody on the same page. December 3rd. John, what's your schedule, John Twiss?

SUPERVISOR TWISS: Yeah; I'll mark it down and-- I believe that works out.

CHAIRMAN YELICK: That will be okay? You will be back, to the best of your knowledge. You'll be back from Pierre.

MR. SCHERRER: Does that eliminate another meeting in December, then?

CHAIRMAN YELICK: No. We had no meeting in December.

MR. SCHERRER: No. Good.

CHAIRMAN YELICK: We are not having two meetings in December. The December 3rd meeting will be the November meeting. Would you all make that change.

MR. COOPER: That would be the 12th?

CHAIRMAN YELICK: It would be the 3rd.

MR. COOPER: The 3rd.

MR. PAULSON: Change the November 19th meeting?

CHAIRMAN YELICK: Yes.

MR. SCHERRER: 1:00 p.m. to 5:00 p.m.?

CHAIRMAN YELICK: Right. Thank you.

Now, the lone subject that we have out there is the national legislation that we deferred until the end of the meeting. And your views about that, John. What is your advice?--or are you going to go along with your superiors concerning that piece of legislation?

SUPERVISOR TWISS: I can't comment on legislation.

CHAIRMAN YELICK: Tell us what you can tell us.

SUPERVISOR TWISS: I will tell you about what I said in the article I wrote in the paper about the points that I think good legislation should have, and you guys can review it. I assume it's public record.

Here's the latest version here, and, before I hand it to you, I'll find out if it's available and, if, indeed, it's reviewable, I guess, but I can't comment on specific legislation without permission, anyway; but let me just say, again, in order to implement, I think, an aggressive program, and I think the West needs an aggressive program in fuels management to protect public safety, as well as achieve forest health, but more so to protect public safety. I think we're going to have to have some new tools, and the tools that we now have, which is working through the National Environmental--complying with the National Environmental Policy Act, and the lengthy environmental assessments and environmental impact statements that have to be prepared before you can take action, I think the

fuelloading will outrun us and you'll see more catastrophic events, perhaps, than if we were able to take some rapid action.

Now, saying that, we have had some new tools that have been given to us, administratively; that is, we have got a categorical exclusion that allows essentially you can treat up to a thousand acres now at a time in fuelloading areas and in insect damage areas; primarily, fuelloading; and, you know, we're evaluating how we'll use that because we don't want to kill the goose here that laid the golden egg, and it's to be used in very specific situations, but, we're looking at 400,000 to 500,000 acres on this forest, the problem here, and I think we need tools that streamline this, E.A., NEPA process more. Certainly, it would be handy to have instructions and some judicial relief also in certain situations.

And, the legislation, in order to be used by forest managers, has got to have those components, but the biggest one that I see that it's got to have is some sort of streamlined environmental-assessment process because 50 to 60 percent of our time and workload is preparing those E.A.s and those environmental impact



statements and getting through that process.

Now, that's where the environmental safeguards are built in, and that's where we do a lot of analyses, so we can truly display the impacts, but, from my standpoint, the urgency outweighs that lengthy assessment, and we have got to have a tool to somehow expedite that if we're going to be effective in doing anything in a reasonable amount of time. I hope that I'm speaking generally and not-- And that's critical, absolutely critical.

I believe legislation should focus in the highest-risk areas. It should encourage you to work in the areas of highest risk; maybe not necessarily direct you, but certainly "encourage," but if it gets too "direct," I think that's workable, from my standpoint; in other words, you should be focusing in your urban interface, where people live and are at very grave risk, but should that be your only area of focus? No. You've got areas out there that are very critical to the health of the forest, and other areas that you shouldn't ignore, but I think that we are looking at legislation here that's largely safety led. That's the main objective here: public safety. So, we should be focusing a lot on public safety,

but you have also--you want to maintain the health of your forest; you don't want to be just focused on the urban interface and ignoring the rest of the forest; so, I think it should lead you that way, but if we're going to--if we're going to do anything like what we presented today, we need some more tools; we definitely need some more tools. The ones we have are not going to be enough to do other than the status quo that you see there. The status quo basically assumes we're operating with the tools we have; so, I guess that's probably as much as I should say.

MR. OLSON: Mr. Chairman.

CHAIRMAN YELICK: Jeff.

MR. OLSON: I can't ask you a direct question, a "Yes" or "No" question?

SUPERVISOR TWISS: I can't address specific legislation, so I think you're in trouble, Jeff.

MR. SMITH: Excuse me, Mr. Chairman. But have some sympathy for the reporter. She can't keep track of all of this. We better do it one at a time. Let's get past the talking stages.

CHAIRMAN YELICK: Coop.

MR. COOPER: Well, I know John can't comment on this piece of legislation. I think

that I can, and I think, in talking with Secretary Gabriel and talking with the Governor, and looking at the issues that we have to face as a state, I have to support, I think, what John is saying. I think the immediacy here, for this national forest, the healthy-forest legislation; in order to get the compromise that I believe is going to have to come down from Congress, to give him the tools that he needs to have to address public safety immediacy issues, are going to have to be centered in a compromise that allows the--I don't want to use the word "end run," but the revision of the NEPA requirements so that John can work in the urban interface. I sent you all a letter, or a note, about a month and a half ago, from the standpoint of what was talked about at the Western Governors Association and the International Association of Fish and Wildlife Agencies about this piece of legislation. Maybe it would have been two months ago. And, if you look through all of that, and when you boil it all down, what you're going to see is the opening for a compromise to occur in the urban interface that would reduce the efforts that the Forest Service has to expend towards NEPA and save some money on that issue, as long as it's within public safety,

communities at risk, and the immediate issues that fuelload is going to take place.

When Representative Teupel and I were talking a little bit ago, we were visiting, and my feelings are that, to pay for that compromise in Washington, D.C., on that piece of legislation, you are going to have to look at the rest of the forest in terms of existing, or somewhat modified, NEPA requirements because the public is not going to stand, I don't think, for a widespread application of all categorical exemptions; they're only going to support it in terms of public safety and immediacy issue. If you try to move that over the entire forest, you're going to reach a point where you are going to have a lot of people push back, and that's going to slow any legislation down; so, if we are looking at something that would be within our grasp to have John's presentation day, the Forest Service's presentation day, in regards to these various options for the application of treatment and some money that would allow them to do that, you're going to have to reach that compromise in Congress; and if you overreach, in terms of the NEPA exclusions, and move into the rest of the forest, you will lose the opportunity for

compromise, and we will be struggling with this for years.

Those are my comments. And I fully support what John is saying in regards to tools. I'm sitting here representing natural resources, as a natural-resources official, and, naturally, I would love to have all of the best worlds that would give clean water, wildlife, soil, timber protection, and still reduce fuelload in the urban interface. I know that is not possible. That's not going to happen. He's going to have to put some mechanical applications in there on the ground. He's not going to be able to use prescribed fire very much, at all, if any, within the urban interface issues. What he is talking about here is the perplexing problems that we're always up against, and that's the people saying, "Well, go cut the rest of the forest and reduce the fuel over there, but don't cut my great big pine trees out here because I don't think I'll ever burn," but they don't have the luxury of doing that. So, in my estimation, in this particular--and getting back to the reason I started this diatribe--is that the current legislation, if what I read in the compromise goes

forth and becomes statute, is not going to help us; it's not going to help what we are trying to get done. There needs to be more tools made available, especially on the urban interface, but the reason I say, John, is the compromise has to be made, is I know people who are going to say, "If they try to apply that, forest-wide, by God, I'm going to bull my neck." So, those are my comments.

CHAIRMAN YELICK: Bob.

MR. KLOSS: I was just going to say, for Supervisor Twiss, isn't it ironic that we have one of the most urban forests in the United States in one of the most rural states? And it goes back to a previous question I asked you about whether or not the National Forest Service has priorities within it about what forests are most critical with reference to the degree of wildland-urban interface, and I would assume, and you reported, I think, if I recall correctly, that this is one of the most critical, if not the highest, ten in that area, so when you say that you need more tools, and we may be able to help you at least be sensitive to that difficulty because you're carrying your issues with this forest amongst what?--123 other forest supervisors, or whatever

that is, so it seems like you are in this unique situation, and that's what I just heard you say, and to what extent can we help you in that process of making other people sensitive to how urban this forest is.

SUPERVISOR TWISS: Mr. Chairman. I don't think you need to--I mean, the Forest Service is not prioritized by forest, as to which ones are most critical. I gave you my opinion. And I don't think we need to relate to anybody about how big our need is. I think, at least within the agency, they realize that very well, and the Administration, where this forest stacks up with the others, and, also, how we are attacking the problem, or not attacking the problem.

The question that was asked is, "What tools do you need out of this legislation?," and that's what I was just trying to express: these are the tools we need in order to implement something, effectively, into--you know, this strategy here.

CHAIRMAN YELICK: Okay. It seems to me that, in this discussion, what we're asking for, since we are in an advisory capacity, that this Board make some kind of a resolution: does it support or not--and advise the forest supervisor

that, in this Board's judgment; and in spite of what John's responsibilities are--in this Board's judgment, is it in favor of the compromise legislation as it is understood?--or is it not in favor of the compromise as it has been voted on--or as it has been discussed in Congress. Is that too unfair to ask?

MR. PAULSON: At this time, I think it is. I don't know what the legislation really is.

MR. TEUPEL: Mr. Chairman?

CHAIRMAN YELICK: John.

MR. TEUPEL: You mentioned that you can't comment on the legislation, but I think all of us here are pretty familiar with what the Healthy Forest Initiative is, and it came out of the House of Representatives, if I'm not mistaken, but I am not familiar with the mutations that it's taken on in the Senate, and as I understand it, the Senate came to a compromise within the Senate, itself, and I heard you allude to, today, which I wasn't aware of, that there is some agreement with "a" Senate version and the Administration, and, obviously, that still is going to have to go to conference committee with the House; the House is going to have to concur; or, the Senate and the House are going to have to concur with any changes

that are made because currently we have the House version that's passed, and then sent over to the Senate. Can you comment and tell us what differences there are from the House version and the Senate version that the Administration has an agreement with the Senate on?

SUPERVISOR TWISS: No. I don't understand--I don't remember the House version well enough.

MR. EVERETT: Mr. Chairman, before-

CHAIRMAN YELICK: Aaron.

MR. EVERETT: Before we get too far, and I don't want to throw cold water on the discussion we're having here because I think it's a good one, but most reliable sources I have at my disposal tell me that the folks who negotiated the Senate compromise language are not going to move from where it is right now, and so, if we want to make our recommendation, with the hopes of influencing the force of this bill, bear that in mind. I think it does us good, as a group, to maybe take a look at this piece of legislation and discuss it amongst ourselves and understand some of the different issues, but it is pretty obvious, to me, that it's either this bill, or it's nothing, and so-

MR. PAULSON: Mr. Chairman.

CHAIRMAN YELICK: Bob.

MR. PAULSON: Would it be possible-- Gwen has been doing a good job of sending out, you know, bulletins, or press releases, on different issues. Is there a way to keep the Board apprised of where that bill is because I'm not tracking it. Is there a way, a common way, for all of us to get the current version at the appropriate times when it's at a decision point? I mean, that would be helpful for me because I don't go to the websites and track that stuff myself.

CHAIRMAN YELICK: Jim.

MR. MARGADANT: Mr. Chairman, I think it would be inappropriate, really, for the Board to take a vote and direct the Supervisor to go and report. I think he's being put in this position that he is in by federal law, and can't be. I think it's most important for him to listen to the discussions that are taking place around this table, and he can discuss those with his superiors. I guess I would underscore the need to hear what Secretary Cooper had to say.

MR. COOPER: I think that is a very important point that should be carried off when you go next to see the wizard in Washington.

Already, just based on--I haven't seen the full text of the legislation, but I can advise the Board, the Sierra Club group I'm representing here is coming down in opposition to the compromise, so you're not going to get a unanimous vote out of the Board if it's taken now. I think it's valuable that you take the comments you're hearing here, and take those back and consider those.

CHAIRMAN YELICK: Is there any motion before the Board at all? The Chair seeing none--

MR. COOPER: There's still no-- Could I make a comment?

CHAIRMAN YELICK: Go ahead.

MR. COOPER: I do believe what Aaron is saying is probably right, even though I always feel as though that it's important to speak your piece, and you should at least--you know, a board, or a person, should speak up if they're opposed to a bill or should support it, if they are in support of it.

You know, my only concern is that this piece of legislation is so critical that, if it does come down in its current form, that I don't know that it really does very much for our ability to talk very much about fuel reduction. It's our number one concern; certainly, in terms of the

public safety aspect of it, and, if they don't have the money, or they don't have the statute authority, or they don't have guidelines, we're not going to be very effective on fuel reduction; and, so, I'm not sure--maybe I'm just venting here--but I'm not sure exactly where to go, unless you have a better idea, but, you know, I get the same responses back from some people that I work with: that it's probably not going to move very far; they're locked in on some kind of a deal that I don't understand.

MR. EVERETT: Well, it's a lot like the settlement agreement negotiations.

CHAIRMAN YELICK: Speak up, Aaron, please.

MR. EVERETT: I'm sorry. It was a lot like the agreement that the Forest Service and the Black Hills Forest Resource Association, and the Game, Fish, and Parks, and the Sierra Club and the Wilderness Society--all of those folks got together and had to come up with the Black Hills legislation of 2002.

At some point, you get so engulfed in negotiations that progress becomes impossible, and you just have to break that impasse and go forward with what you've got, and I just mention that

because that's my assessment of what happened in the negotiations over this bill. It was so polarized and so--I don't want to say acrimonious--but it was tense stuff, as you might expect, and this is what we end up with.

CHAIRMAN YELICK: John.

MR. TEUPEL: Thank you, Mr. Chairman. I want to piggy-back a little bit on what Coop's comments were. The big problem I have with the Senate compromise, as I understand it, is how they have defined wildland-urban interface.

MR. BLAIR: Uh huh. That's right.

MR. TEUPEL: And, you know, I don't dispute the idea that there needs to be emphasis, or prioritization, on wildland-urban interface, and that maybe, as Coop mentioned, there needs to be a different, more streamlined process within the wildland-urban interface, and if that's tolerable to the environmental community, and in the outer forest, so to speak, or the area that's not part of the wildland-urban interface, there needs to be a more strict adherence to NEPA, and that's a compromise that the environmental community is willing to make, but, when they have defined wildland-urban interface as being a half a mile within a community, it's-

MR. COOPER: --not enough.

MR. TEUPEL: -it's not nearly enough, and I don't see where, as Coop said, it's going to accomplish what we have identified, in looking at this presentation today, as needing to be accomplished on this forest. If we say we're going to be able to go in and treat now within a half a mile of Hill City, or half a mile of Custer, or a half a mile of Rapid City, or Sturgis, or Lead and Deadwood, I don't see where we have gained anything, and that's my real heartburn with the compromise, and I was rather shocked and appalled to hear that there's been some kind of an agreement between the Senate and the Administration on that position, if that's truly what the position is, because that's a big departure from what the House version was.

CHAIRMAN YELICK: Other comments? Jim.

MR. SCHERRER: Would it make any sense to have us, as a Board, make a resolution recognizing what we're hearing from folks: that it may not make any difference what we have now; what Coop knows is not going to make a difference, or what John talked about, but would, following your line of thinking, if they listen to us, would it make any sense for this Board, even if it wouldn't be

unanimous, to come together with some sort of resolution to give to Supervisor Twiss that may potentially influence what you're saying now is maybe not going to do any good. It may not do any good, but if I'm going to sit here for four hours, I want to come out with some sort of productive action that could potentially offer some assistance to the supervisor in the Black Hills that we're representing; so, I'm not making a resolution, or making a motion, but I am asking the group to consider doing that.

CHAIRMAN YELICK: Does the Board have a motion?

MR. SMITH: Mr. Chairman, the rest of you may hang back, but I am a man of courage. I don't know what the hell is in it, but somebody--Aaron, probably--that isn't supposed to be said that way to the rest of these cowards-- but, I guess, to put it more properly, I'm not fully up to speed on what's in that so-called Senate compromise, and it would help me, and I think, to the extent that we can get our arms around it, we should try to give our wishes to the supervisor, so he can report what his board said, but I have got to have something more concrete to work from because I haven't kept up to speed that closely, but it

would help if Aaron, or anybody else who has really been tracking the legislation, would give a brief summary, it would be helpful to me.

MR. EVERETT: Mr. Chairman.

CHAIRMAN YELICK: Aaron.

MR. EVERETT: If the Senate doesn't vote on this bill, before the end of this month, it's not going to happen at all.

When I talk about the sources that I hear from, as to whether this compromise is what goes, or doesn't go, and I'm speaking of both sides of the aisle, and all of the intel that you get when you put your ear to the ground on this kind of thing, but there just isn't time on the calendar for something that's any more controversial than this compromise legislation. That's just where it is, and it's got to move this month, or it doesn't move at all; so, if we're going to wait until your next meeting to make a recommendation, we will have missed the train; and I understand that you haven't kept up on it, necessarily, and I wouldn't have expected anybody, other than wonks like myself would have, but, for everybody's information, that's what I know of the situation.

MR. SMITH: What's in it?

MR. COOPER: Well, you know, the compromise is basically a little bit like what John was saying. Wildland-urban interface is defined as no more than a half a mile of communities at risk. In my mind, from the standpoint of the urban interface, there's not a significant amount of effort made at allowing the Forest Service to subjectively, in some cases--and that's the only word I know because it does give the Forest Service very much subject opportunity, based upon their professional fire-fighting, fire-suppression knowledge--to take actions within those communities at risk, but the problem we've got is there is still a lot of oversight; there's still a lot of NEPA issues. The time period that was compressed with the original 1904 really is not there now with this compromise. I am not sure that it relieves very much burden at all on the urban-interface issues, which I am concerned about. The Governor, the administration I work for, are very much concerned about that urban interface and that type of fuelload, and me, personally--just me, personally--I'm concerned about that, and I think we need to do something, but I am willing to trust the Forest Service's

professional people to be able to come up with applications to do that work, and I would support them all of the way through that. I'm a little more hesitant when we get away from the fuelload issues on the portions of the forest that aren't specifically involved with urban interface, and I want a little more control there. I want to be able to have more input; I want to have more public opportunity, and agency opportunity, to balance those approaches out, but if I was sitting in John's shoes, right now, and I was looking at this piece of legislation, I would say, "This does not give me the tools I need to go forth with suitable fire protection"--or "suitable fuelload reduction load for the purpose of public safety issues." It just doesn't. And, so Aaron's right, and I'm sure he's got some--he's got judicial--I was just going to talk about judicial review areas. The original bill had some opportunities to reduce the amount of public-comment opportunities for some of these treatments, and this particular bill really doesn't clarify exactly what the issues are on the judicial review, but it doesn't remove those, or at least it doesn't compress them as much as the first bill did. So, for me, from my standpoint--and Aaron

has probably got more than I do--but I'm talking specifically from the standpoint of my review of what Frank sent out, plus what I get from my folks, my contacts at the International Association of Game, Fish, and Wildlife Agencies, and the Western Governors Association; and if John differs with what I said, he could probably just say "Yes" or "No," but that's how I view it. I don't think it does very much.

CHAIRMAN YELICK: Jim.

MR. SCHERRER: Would you be willing to articulate a motion/ resolution for us to get on the table to debate, understand, and move forward with today?

MR. COOPER: Well, one of the things I thought about when I was coming over here was a general resolution, or a general motion, that said something to the effect that, "This current compromise, as we understand it"--as this Board understands--"this current Senate compromise for the Black Hills National Forest of South Dakota, this bill does not do what needs to be done to relieve the threat of fire, continued threat of fire, in South Dakota, to our urban interface and to our communities at risk, and if you can't improve on this bill, then this bill is of no use

to this forest," and, I mean, that's blunt; that's general, but the bottom line is that--and I'm going to restrict my comments to the urban-interface aspects of this and not to the forest, in general; but that's what I thought.

CHAIRMAN YELICK: Is that a motion?

MR. COOPER: If you guys feel like it is something we can debate, I would make that--I should have spoken more slowly because I can never remember what I said. Do you think you have that recorded, and could you read it back, do you think?

(Off the record.)

MR. COOPER: Do you guys remember what I said? If you want me to, I'll make that motion, and from the standpoint of the Board, if we could get a second, and a debate, maybe we could--

MR. TEUPEL: Mr. Chairman, before we entertain a motion, could we have Aaron give an explanation of what he put, on the Board, as far as what the differences are, before we make a motion. Is that suitable?

MR. COOPER: That's fine with me. In fact, the more we understand it, the better off we are.

CHAIRMAN YELICK: Aaron, can you--

MR. EVERETT: I will skip the differences between this version and all of the other versions that are out there, and if anybody has anything to add to this list--this is just the highlights that I can remember, off the top of my head, without having the thing in front of me, but, as John said, the wildland-urban interface is defined as one-half mile from a CAR, community at risk, or from a--and there's some generic language about how communities are to be defined, and when the State came up with that list of communities at risk, it wasn't all inclusive, and so there's some room to add communities that weren't necessarily on the list--just as point for clarification--but wildland-urban interface is defined as a half a mile, or, after communities have formed some sort of board, presumably, and come up with a wildfire protection plan, they are entitled to define wildland-urban interface, however they see fit; and, so, until those communities' plans are derived, or arrived upon, generally the Forest Service is to regard wildland-urban interface as one-half mile from a community. In preparation of environmental analysis documents, the Forest Service may consider three alternatives to the

proposed action--or three alternatives, total; that is, the no-action alternative, the proposed action, and one alternative to the proposed action, and so I think, under the previous version of H.R. 1904, they were all in the part considered no-action alternative to the proposed action alternative; and, so, a bump of one alternative there. In terms of the judicial-review provisions, there were some significant changes. The language in the previous version of the bill that provided for some discretion required the courts to consider the Forest Service's expert opinion has been removed, and it simply states that, in deciding on injunctive relief, a judge must consider the balance of short- and long-term harms of either performing a project or not performing a project. Presumably, the Forest Service would need to document themselves sufficiently and demonstrate the potential long-term harms, which is something that is a plus, from my perspective, but it does require some additional work. There's a 50-50 required funding split for spending money only on wildland-urban interface projects, so that is to say that 50 percent of the money goes to wildland-urban interface, and the other 50 percent being spent

elsewhere, and that's a 50-50 distribution across the national forest system, so, if one forest spends 60 percent in the wildland-urban interface, and another one spends 40, that tends to balance out in the end.

MR. SMITH: You can get the numbers doing funny things there. Is that by dollar amount?--or is that by percentage of a big forest, versus a percentage on a little forest?

MR. EVERETT: Dollar amount.

MR. SMITH: Dollar amount.

MR. EVERETT: One of the biggest issues for the folks, and I'm going to add something as I talk here, but one of the biggest issues that was negotiated was making some provision for the protection of old growth; one of the biggest issues in the negotiations was enacting some language for the protection of old growth forests, and, so it made it into the compromise version of the legislation.

The essence of the old-growth protections is that there is a loose definition of what old growth is in the language, and the Forest Service needs to maintain and restore old growth in this process, so that is a requirement for the proposed action in each of these projects, and

there is also some forest planning amendments that the Forest Service needs to undertake, depending on how old their plan is, to incorporate the language of this legislation in their forest plan, if they are to use these expedited procedures. That is sort of a tradeoff that the Forest Service is going to get this expedited some. They have to amend their forest plan in accordance with the legislation.

Rather than the Forest Service's current appeal process, they are going to promulgate rules to adopt, something along the lines of the B.L.M. appeals process, which is a three-decisional overview, and so there is a sort of an arbitration period that happens after the Forest Service releases its proposed action, and those who wish to raise some points or issues with the proposed action, will come and negotiate with the Forest Service at that point, and after a decision is made by the Forest Service, after those negotiations have come to their conclusion, there is no recourse, other than litigation, after that.

And, the last thing that it authorizes is 760 million bucks-- It doesn't authorize-- excuse me--yes, it authorizes the appropriation of \$760 million to carry out these projects. Of

course, that is not an appropriation, in the strictest sense. It's just the recommendation of this legislation.

MR. OLSON: How does that differ from the House version?

MR. EVERETT: I don't remember.

MR. OLSON: It's a lot more, isn't it?

MR. EVERETT: Well, yeah, it is.

MR. COOPER: Excuse me. Is it considerably different, in terms of the period of time that's needed to get treatment on the ground, before you go through these steps. That's the-- That's the problem. We are sacrificing oversight. Me, personally, if I'm willing to sacrifice oversight in the long-term NEPA processes for the area of communities at risk and the urban interface, so that I turn my trust over to the Forest Service, as a responsible agency, to put the proper fuel treatment into those locations to reach suitable fuel reduction, and that's what I thought we should strive for, both in the conservation community, and all of us in the Black Hills, to address the immediate need of fuel reduction and fire and public safety concerns. As I have said, a couple of times, I'm not willing to extend that into other locations, but I truly

believe we have got to do something about fuelload issues here.

MR. OLSON: We were discussing--and also we talked about that version being too far reaching, and no public input, no NEPA considerations; it was going to circumvent too many things; so I assume that this compromise comes about half way; we're circumventing some things, but we're still allowing for some public input and you need to do some E.I.S.'s, but it's still streamlined, and that's what I have been told, and now you're saying it's not.

MR. COOPER: Here's the problem. They didn't break it down. That's the whole forest. That's everything. That's the Forest Service's--that's the Black Hills National Forest. They didn't break it down into the issues of rural, of urban interface, wildland fire, urban interface issues, and we ought to have one process for this; and then do what John said, "Define what that is."

I don't think a half a mile is enough. I think we have to look at a mile and a half or two. Somebody in this Forest Service knows more about that than I do, in terms of what a suitable fire line would be. With a big Jasper Fire headed towards Hill City, how far out should you thin;

how far out should you have treatment that will allow you to protect Hill City when it's coming right down on it? Okay?

MR. OLSON: That's a question I would really like to have answered.

MR. COOPER: And that's an issue that-- I mean, I don't know, but I'm saying that there's someplace; Dean, or Bob Thompson, or somebody that is a hell of a lot more knowledgeable about this than I am, would be able to tell you that, "An urban interface is here for Hill City"; and "An urban interface is here for Rapid"; "the urban interface is here for, you know, Moon," but the problem I see here is that because they didn't deal with the urban interface versus the rest of the forest, they got themselves into a situation where they have overreached on all of these things, so now you're going to have the Sierra Club opposed to this, on one side, for one principle or reason; you're going to have the logging-timber folks concerned about the way that this is defined; and you're going to have the Forest Service concerned that this doesn't give them the tools needed to address what we see as an immediate need here on this advisory board.

CHAIRMAN YELICK: Any other question or

comments?

MR. SMITH: Yes. Mr. Chairman. I want to get back, and end up with someone spelling out again for me what is presently in the law because of the--what amounts to the Daschle bill--that's going to be taken away by this as it stands; but, first, I want to address the underlying concept of what John Cooper and John Teupel have been talking about, in terms of separate standards relative to environmental analysis compliance, and it's capitulating to a terrible wrong. What's been happening is that every time the absurdities and abuses of NEPA are being brought out in a way that affects a large body of voters, the administration and enforcement and the litigation that's allowed under NEPA is somehow just kind of held back; whether it's in this case, by the statutory change, or what, but it doesn't give us relief from the abuses of a very well-intentioned system.

The National Environmental Policy Act resulted from legislation following a presidential order, an Executive Order, to keep the runaway bureaucracies accountable. This is what's so bizarre about it.

Reagan put out an Executive Order to make agencies do analyses, and in order to put

some teeth in it, the National Environmental Policy Act was passed, and now it's come to where, as so many times with well-intentioned, basically good legislation, the administration, and the abuse of it, has gone crazy, but you've got the birds, the raptors, if I remember right, nesting in a bridge in Washington, D.C., or Maryland, or Virginia--right in the D.C. area--and the enforcement of the law, to the same extent we've got it out here, would make the public aware of what's going on; so, the law is not enforced, but we're stuck with it, and now we're about to recommend the same thing, right here. We've got enough people in Rapid and Sturgis that their houses are going to burn, and that's a legitimate concern.

We provide protection from the abuse of the NEPA process, but we don't extend it to a system that resulted in over 100,000 acres of contiguous, devastating wildfire over the last two--over the last three years. That just isn't good public policy, in my view, and I hope we don't recommend that.

CHAIRMAN YELICK: That speaks to the motion. Any other comments?

MR. COOPER: Maybe I should try to-- John

is helping me with some language here. Maybe I should try to reread that after-

CHAIRMAN YELICK: After the restatement of the motion, we're going to vote, and it's going to be a roll-call vote.

MR. TEUPEL: Did you have a motion and a second, Mr. Chairman?

MR. COOPER: I don't think we got to that point.

MR. SCHERRER: He said he would make the motion if he had a second, and I said "You will have a second."

(Off the record.)

CHAIRMAN YELICK: At this time, the Chair will request Cooper to state his motion, please.

MR. COOPER: Okay. The motion is, "The Senate compromise on Healthy Forests, as currently understood by the Black Hills National Forest Advisory Board, is inadequate to provide the Black Hills National Forest the treatment tools it needs to provide a significant reduction in fuelloads in the Black Hills National Forest." I'm going to say, "in the Black Hills National Forest wildland-urban interface. This will result in continued inadequate protection for public safety and to communities at risk."

MR. BLAIR: Second.

CHAIRMAN YELICK: It's been moved and seconded. Any discussion?

MR. OLSON: Yes. My comment is that I have not seen the legislation, or the research, myself, and I don't have enough information to vote on that motion. I don't think the Board has.

MR. SCHERRER: Mr. Chairman, I believe that the motion specifically states that, as far as the Board understands the motion, I think you articulated that--it qualifies the motion in that it acknowledges it to the extent that we understand it. I'm not telling you how to vote. I'm just saying that I can support this motion on the basis--I'll be the first to tell you, I don't know all of the ins and outs, and that's not my job, but I did come in here with an expectation of hearing from people who have studied it, and I do understand a lot more than I did before, and I rely on the people who can speak to it, and, so, with that qualification in your motion appropriately stated, I can support that motion.

MR. BLAIR: Mr. Chairman. And I'm sitting a little bit in the same seat that Jim is, with the exception of I truly believe what Aaron has to say: unless we want to make any kind of an

impact on where this is going, if we don't do it today, we have lost that opportunity because, by the time we meet again, in the first week in December, Congress will have adjourned.

CHAIRMAN YELICK: Again, let me remind you all that we are simply advising the forest supervisor of what our decision is, and that's all we're doing.

MR. SCHERRER: That's right.

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: I'm getting ready to call the question here. Go ahead.

MR. TEUPEL: I just want to clarify, Coop, that in your motion, you stated that it was not going to provide adequate fuels reduction; not in the Black Hill National Forest, in general, but just in the Black Hills National Forest wildland-urban interface.

MR. COOPER: I did say that, that's right.

MR. BLAIR: One addition, Mr. Chairman. I realize that John--and we have talked about this before--being able to pass on advice to Congress from out of his office. We advise him. He has not the ability to do that, but the newspapers do. They can, verbatim, make sure that our

recommendations get to the appropriate offices.

CHAIRMAN YELICK: Nels.

MR. SMITH: Mr. Chairman, John Teupel pointed out something, I guess, that bothers me-- which, I know, is no surprise to you--and I move to amend the motion by removing "in the wildland-urban interface," and I hope I have a second on that.

MR. TEUPEL: Second.

MR. SMITH: The reason, Mr. Chairman, that I say that is that: sure, you don't want to burn all of the country homes; that makes sense, but when we're talking about over a million acres, and we're talking about the best elk habitat that South Dakota has, you're talking about at least one class-one trout stream in Wyoming, and I don't know what you've got here, but you talk about all of the fallout from devastating wildfire from heavy fuelload, and we have seen it, as I said, in 100,000 acres, we have just got to recognize that it's important to be able to get after this problem in other than the wildland-urban interface, regardless of how we define it.

CHAIRMAN YELICK: Is there a second?

MR. SMITH: And I hope you will support the motion.

MR. TEUPEL: I second.

CHAIRMAN YELICK: There is a second to the amendment; there's a second to the motion to amend.

MR. COOPER: Could I have just one point of discussion to the current amended motion?

CHAIRMAN YELICK: Okay.

MR. COOPER: My thoughts are that, as Aaron said, I don't know how effective this is going to be, and how locked in they are back there, but I suspect that, if we're going to ever reach a compromise position here and send a message back to them about our immediacy, one of the big problems in getting out of the negotiation that's been going on between these folks is you're not going to--the feelings are that the compromise wasn't reached because there wasn't a split between the urban interface and the rest of it, and you look at all of this, right here, the part that Aaron put up here on the bill, that's where we're at right now, and you're not going to get it anywhere, no place. If that bill passes, in its current form, the Forest Service does not have the tools, not only not to work in the urban interface, but anyplace else, except for the long-term NEPA processes that we're all used to; so, I

don't really quite understand that motion. I think what this does here is it's bringing the Board's comment out that we need some help on urban interface, and that's probably the best compromise we can suggest for them to look at. That was the only reason for this motion.

CHAIRMAN YELICK: John.

MR. TEUPEL: Mr. Chairman. The reason I seconded the motion, Coop, is because of the confusion, in terms of how wildland interface is defined, in that if we specifically say, in our motion, that we don't think you're doing adequate fuels reductions in the wildland-urban interface, and if we're going--as they have defined it, within a half a mile of a community, then maybe they are doing adequate fuels reduction in that half-mile perimeter. The problem that it comes into is how do you define wildland-urban interface.

MR. COOPER: The only way you could do that is to say something like--instead of that motion that Nels made- would be to define a two mile, or a one mile and a half, or you take something else that's expanded over the half mile, and say, "within a two-mile wildland-urban interface, in regard to public safety and

communities at risk." That's another way to attack this.

CHAIRMAN YELICK: Well, we've got an amendment on the floor that we're debating to exclude wildland interface, as I understand the amendment. Now, this speaks to the amendment and specifically to that amendment. John.

MR. TEUPEL: Mr. Chairman. I think that the amendment is in order; and that the motion, itself, continues to speak to wildland-urban interface because, in the bottom, you're talking about communities at risk and public safety. Those are wildland-urban interface issues, and those are the reasons we're saying why it's inadequate, and so I think it can easily be inferred in there that much of the problem is in the wildland-urban interface, but I don't want to get into the whole controversy of, you know, how are they defining wildland-urban interface. I just think that it's a mistake to limit--if we're going to send a message to the forest supervisor on how we feel, I think it's a mistake to put that in there because of the confusion in terms of how that term is being defined.

MR. COOPER: I understand your point.

CHAIRMAN YELICK: Bob.



MR. KLOSS: I think it's a mistake to take it out because it's a Forest Service policy and is part of the recent directive, so you need that language to give the Forest Service some leverage and submit to the supervisor.

CHAIRMAN YELICK: Closing remarks on the motion? It's your motion.

MR. SMITH: Thank you, Mr. Chairman. I don't want to fall into the trap that is so easy to get into, and I've been there myself, of thinking that we are responsive to what's already in place. Our charge, in fact, is to provide leadership and direction. As Konrad Adenauer said when asked how they were able to make the German economic miracle after World War II, he said, "Had we followed public opinion, we could not possibly have led," and our charge here is to do what is right for the Black Hills forest, as we understand it; and I am going to be hard pressed to stay totally objective on this because, when we're talking about public health and safety--my son pulled his trailer, with a little living quarters in front of it, out, and he's been gathering cattle by himself for three days up in our allotment, and it's a long way from an urban interface. My 89-year-old father has an elk

permit this year, and he's going to be up there poking around, probably by himself, and you can have wildfires, and you can have all of these things that enter in there.

It's a forest-wide situation, and we need to be able to manage it. I'm amazed at the extent to which we have gotten away from natural-resource management in this discussion; and have talked about protection of the man-made structures in those very desirable mountain residences, but we have got over a million acres here, and most of it is a long way from wildland-urban interface, and that's where the problems have been, and I am sure that anybody with a brain--and this forest staff and management certainly have them, are going to concentrate on the highest danger areas, but we don't want to limit it to that, as far as management discretion, and, as someone else said, "not get into that." What is the definition? For example, we talked about wildland-urban interface, and without the definition, we may be getting into something we wish we hadn't gotten into, so I hope you will support the amendment, and then we can get on with the discussion of the body of the rest of it.

CHAIRMAN YELICK: The motion is to amend.



Closing remarks have been made. All of those in favor of the amendment-- Is everyone clear on the amendment?

(No response.)

CHAIRMAN YELICK: Okay. All those in favor of the amendment say "aye."

(Those in favor voted "aye.")

CHAIRMAN YELICK: Opposed?

(Those opposed voted.)

CHAIRMAN YELICK: Chair is in doubt. Show of hands. All of those in favor, raise your hands.

(Those in favor raised their hands.)

CHAIRMAN YELICK: Opposed?

(Those opposed raised their hands.)

CHAIRMAN YELICK: The amendment is defeated. Back on the original motion, which includes the wildland interface. I'm going to ask for closing remarks, unless someone has any other discussions. Coop?

MR. COOPER: Very quickly. I think our only chance of having any kind of effect with this message here, be it in the form of a resolution or a motion to John, is the fact that we are very much concerned, if they didn't reach that kind of compromise to work on the immediacy issues of fuel

reduction in the wildland-urban interface, if we make this too broad, which I respectfully felt that that motion did, I think that we have diluted ourselves in our message, and that's why I believe we ought to vote for this, and then see if we can get a compromise in regard to what's going on in Washington, D.C., because, without that statute, without something that comes down to the Forest Service in the form of a tool, we really don't have anything, anyway. This is our best shot. That's all I'm going to say.

MR. SMITH: Mr. Chairman. It's still unanswered. I think it makes a difference on how we go on this. What is it-- It was alluded to earlier, but what is it we're losing in this bill, as it now stands? That's in the Daschle bill? I understand there's a lot more administrative language.

MR. COOPER: If you look at it strictly from 1904, and the way that I thought the compromise was going--and Aaron will tell you that this thing has been all over the Hill, back and forth in various forms and lots of tugging and political overtones, and all of that other stuff that goes with this kind of--this controversial

piece of legislation, I felt, strongly--and I do know that the conservation committee that I'm familiar with wanted the prescriptions in the urban interface to take place without as much oversight. They would trust the Forest Service to do the right thing. In the rest of the forest, outside of those communities at risk, they wanted a degree of protection that was very similar to NEPA, with some modifications. That's where the conservation committee was coming from. And I thought that, up until I just read this review--and I think Frank sent it out the day that you got it; wasn't it, Frank?--or was it the day after?--and the information I got from the International Association of Fish and Wildlife Agencies indicated to me that this compromise was not a compromise so much, as it basically took most of the tools away from the Forest Service that 1904 at least had some promise to; and you remember the debate that we had in here, and I was opposed to 1904 as it came out because I felt like it was too much of an open checkbook, such a broad brush. You get it defined for me in the urban-interface issue, and I'll go to war; I'll stand side by side with Teupel and with you, Nels, on the urban-interface issue because I think that needs to be

done, but I'm concerned, very much, about the rest of the forest, and I think we need to have more oversight there. Now, we have none of that; none of it. We don't have anything. All of us-- You had 1904, which you thought was a good bill, and I was a little mediocre on that one, so we're split--we're split, all the way through. Now we've got a compromise up here, frankly, that I don't think helps the Black Hills National Forest much at all. We're trying to get them focused back on the urban interface and get something accomplished with it. If they won't do it on urban interface, they sure as heck ain't going to do it on the broader brush.

CHAIRMAN YELICK: The Chair is ready to call for a vote.

MR. TEUPEL: Mr. Chairman, I would just ask the question: do we need to define wildland-urban interface as we're describing it here? Do we need to reference that somewhere in the Forest Service policy, or--because if it's interpreted as being something other than that half-mile boundary of the community that the Senate compromise identifies it as--

MR. COOPER: I would consider it a friendly amendment, but I need some guidance here,

and I know this is dang tough on John, but I need some guidance in regard to my position here on this Board as to what the Black Hills National Forest wildland-interface distance is. Are you willing to-

MR. TWISS: Let me just comment, generally speaking. Mr. Chairman.

CHAIRMAN YELICK: Go ahead.

MR. TWISS: Typically, the wildland-urban interface, in different legislative pieces, has been defined with a acreage, or a mileage, and half a mile has been fairly common. It's half a mile, or a community plan, as developed in a collaborative process. That's another one I have seen; again, I can't comment on this legislation, but, when you sit in on a collaborative plan, that distance can increase, or decrease, greatly. You are collaborating with the community on what they want that to be, and, so, John, getting to your thoughts about defining that, the community plan, collaborative plan, defines that, and, otherwise, you've got an open checkbook for half a mile--if you have an expedited NEPA process, you would, but, otherwise, it's the community plan if you go beyond that. And that's, just speaking hypothetically, in general, not a bad way to go.

MR. BLAIR: John, is the community plan open to a wide, varied interpretation? Could the community plan be the fire-protection area of the local community?

MR. TWISS: I'd better not say any more.

MR. SMITH: Mr. Chairman, I still don't have an understandable answer. I'll keep it short and simple. If this thing goes, as it's now written, what is it we lose that's in 1904? Is the administrative latitude that the Forest Service has now to get something done?

MR. COOPER: This isn't 1904. This is a modified version of 1904. This is a greatly watered-down version.

MR. SMITH: So we've got a law on the books?

MR. TWISS: No.

CHAIRMAN YELICK: I'm going to call for a vote. You're the one who wanted a vote out of this.

MR. BLAIR?: I think you're mixing up the Beaver Park legislation with 1904, which is the House version of this Healthy Forest bill.

CHAIRMAN YELICK: I'm going to call for a vote, and it will be by roll call, unless there's an objection. Okay. Pat McElgunn.

(Absent.)

CHAIRMAN YELICK: Absent. Tom Blair.

MR. BLAIR: Aye.

CHAIRMAN YELICK: Ron Johnsen.

MR. JOHNSEN: Aye.

CHAIRMAN YELICK: Aaron Everett.

MR. EVERETT: Aye.

CHAIRMAN YELICK: Nels Smith.

MR. SMITH: No.

CHAIRMAN YELICK: Bob Paulson? Bob
Paulson?

MR. PAULSON: Abstain.

CHAIRMAN YELICK: Jim Scherrer.

MR. SCHERRER: Aye.

CHAIRMAN YELICK: Bob Kloss.

MR. KLOSS: Aye.

CHAIRMAN YELICK: Jeff Olson.

MR. OLSON: No.

CHAIRMAN YELICK: John Teupel.

MR. TEUPEL: Aye.

CHAIRMAN YELICK: Myself. The Chair
votes "Yes."

MR. MARGADANT: May I vote?

CHAIRMAN YELICK: Oh, I'm sorry. What did
I do to you? Oh, I'm sorry. I've got Bryce In
The Woods.

(No response.)

CHAIRMAN YELICK: Absent. John Cooper.

MR. COOPER: Aye.

CHAIRMAN YELICK: Aye. Jim Margadant.

MR. MARGADANT: Aye.

CHAIRMAN YELICK: Is that everybody? Did I forget anybody? I'm sorry if I did. I apologize. Bob.

MR. PAULSON: My absence or my abstaining was because I honestly don't believe I know enough about this, and it's not even on the agenda, and we have one copy of this bill in the room. We need to make copies of that and present the information. I guess I really feel we should have had a better discussion about it, but I just don't think I know enough about it to make a vote.

CHAIRMAN YELICK: Your comment is so noted. The Chair recognizes that the motion has passed. Any final comments? Bob.

MR. THOMPSON: Bob Thompson, District Ranger of the Black Hills National Forest. As you're thinking in the future because nobody has got a good definition for urban interface, and I'm not addressing the bill, or any of that, but I want you to think of a couple of things. The Jasper Fire ran eleven miles, in one day. The

Battle Creek Fire ran five miles in several hours.

You just have to keep that in mind whenever you're thinking about this topic. I have no recommendation about mileage, or width, or anything else, but you need to understand the nature of fires and what they do here, in the Black Hills. You need to think about that. The other thing that you need to think about is "What, exactly is it that you're trying to protect?" If you're trying to protect structures, that's one thing. If you're trying to deal with the environment within a community area, that's another thing. So, you just need to be thinking about those kinds of things, as you debate this bill over time, and figure out what you're trying to achieve.

CHAIRMAN YELICK: There's another item on the agenda which needs to be addressed, which is, if there's any public left to comment, it's public comment.

MS. NANCY HILDING: I'm Nancy Hilding, and I am president of the Prairie Hills Audubon Society. I just want to say that I have been sitting here calmly. I have been getting a lot of e-mails about this bill, and I didn't know that it was on the agenda, so I didn't come prepared to

discuss it. In general, what I have read is that the environmental community feels that many of the things that you're worried about, the protections, people, and the variances, will not actually work. One that I have read. One of the main concerns that the environmental community wanted was that money and grants would be available to spend on private land and state land within the urban-wildland interface because most of the property within that interface doesn't belong to the government. I have forgotten the number; it might be 85 percent, but that did not happen, and the environmentalists, as I understand it, were unhappy about the failure to give money to private and state to spend, and there is one question that I have that I have not been able to understand from reading all of this. If 50 percent of the money, with respect to this, is being spent outside of the wildland-urban interface, then how is it that the rest of the forest is not being impacted by this bill?

So I want to make another comment on something else. This gentleman, over here, indicated that NEPA, the horrendous process of NEPA, has prevented the Forest Service from being able to do its duty, so we have had these huge



fires. To my knowledge, this is a map of the Jasper Fire area that was given to me in 1990. It shows all of the planned timber sales. To my knowledge, the Jasper Fire was substantially longer than the Forest Service says and it was heavily logged, so, if it was heavily logged, so it wasn't appeals and NEPA that prevented the Forest Service from being in here. The Forest Service was in here fully and this is what burned.

As far as I know, nothing in the Rockerville area was held up by the environmentalists. The areas that actually didn't burn, which was Norbeck and Beaver Park, were things that were held up by litigation. The thing that burned up by Lead and Deadwood was mostly private land. So, actually, the appeals and litigation didn't hold anything up that resulted in fires, that I am aware of. So that is a misstatement.

Twenty-five percent of the Black Hills gets logged, every ten years, so if logging solves this problem, why do we have it? So I think what we are looking at here is the long-term legacy of past logging practices that created all of this biomass, and that, when you remove the appeals process, you remove the ability to argue with the Forest Service on what the Forest Service is

doing. Somebody showed a map or a chart indicating, I think it was, the conditions of the forest in 1870 or-

MR. COOK: 1875.

MS. HILDING: I want to know why--and I have read this book, and I have read Grays. How do you think there is enough information anywhere to create a historical chart like that?

MR. COOK: There is a direct quote in the Newton's book of 1875, and I can show you that.

MS. HILDING: From the Newton's book?

MR. COOK: Yes.

MS. HILDING: Not from the report? So, from the Newton's General Survey Report, you think it was a quote that gives you a distribution of trees?

MR. COOK: Yes, there is.

MS. HILDING: I want to make one statement about the photos that everybody is always looking at. The Custer Expedition went through the Black Hills very quickly. The guy with the camera had to up the hill with this big huge camera. They camped overnight next to these--they had a whole lot of livestock, either 1,000, or 2,000, livestock. They camped overnight in places where they could graze all of this

livestock. They had Indian guides that they captured. They went through places where they could pull all of these wagons and livestock, and so they did not go through the densest places of the forest. The photos--even the photos tend to be many photos of the same place. A guy would go to the top of the hill; he'd turn around, four directions, and take pictures at the same spot. If you overlay where anyone took those photos, the Graves map, you find out that most of those photos were taken in places that were not very dense, and there were places where the forest was very dense that he did not photograph; so, there's a whole realm of scientific articles that are actually published, where people disagree with the Forest Service's interpretation of the variability, and they disagree with how dense the forest is and how frequent the fires are and the types of fires they have, and these guys don't tell you about this; that's scientific disagreement.

CHAIRMAN YELICK: Thank you. Any other members of the public that want to comment?

(No response.)

MS. ERNST-ULRICH: Just one piece of housekeeping. If you have any travel to turn in, you can give it to me. Okay?

MR. PAULSON: Mr. Chairman, I would suggest if we're not going to meet until December, we might need to cross out some dates for January and February. That's our last scheduled meeting, I believe, in December, and I believe we don't have any dates scheduled until January at this point.

CHAIRMAN YELICK: Does the group prefer to talk about January and February?

MR. SMITH: No, Mr. Chairman, I'm not.

MR. PAULSON: Could we do it by e-mail, somehow? I don't know about suggesting a proposed date.

CHAIRMAN YELICK: I'll come up with some suggested dates, and I'll throw them out to you, and you guys can--

MR. PAULSON: Thank you.

CHAIRMAN YELICK: All right.

MR. PAULSON: Just one thing, real quick. Was there any feedback from the biomass meeting? I know Jim went to it. We didn't have a chance to talk about it, but--

CHAIRMAN YELICK: Bob did, too.

MR. TEUPEL: Mr. Chairman.

CHAIRMAN YELICK: Bob.

MR. TEUPEL: Motion to adjourn.

MR. MARGADANT: Second.

CHAIRMAN YELICK: All in favor, say
"aye."

(Whereupon, the meeting was adjourned at 5:05
p.m., October 15, 2003.)